



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)Nos.7424 and 8004 of 2016

and

W.M.P. (MD) .Nos.6254, 6255, 6558 & 6559 of 2016 and 19505 of 2017

S.Mayilerinathan

... Petitioner
in both petitions

Vs.

1.The Regional Manager,
RBO-II,
State Bank of India,
No.2, Dr.Ambedkar Road,
Administrative Office,
Madurai-2.

2.The Enquiry Officer and
Chief Manager (LPC-RBO-II),
State Bank of India,
No.2, Dr.Ambedkar Road,
Administrative Office,
Madurai-2.

... Respondents 1 and 2 in both
petitions

3.V.Nagasubramanian

.. Respondent No.3 in
W.P.(MD).No.8004/2016

Prayer in W.P. (MD) .No.7224 of 2016: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 2nd respondent made in DIS/CON/491 dated 12.04.2016 and 13.04.2016 and quash the same and consequently permit the petitioner to enquire DGM as Witnesses and recall prosecution witness.

Prayer in W.P. (MD) .No.8004 of 2016: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the 2nd respondent made in DIS/CON/491 dated 18.04.2016 and quash the same and consequently direct the first respondent to appoint some other unbiased person as enquiry officer.

In both petitions:

For Petitioner : Mr.R.Murali

For Respondents 1 & 2 : Mr.M.Ponniah
Standing Counsel

C O M M O N O R D E R

Since the issue involved in these writ petitions are one and the same, these writ petitions are disposed of by way of common order.

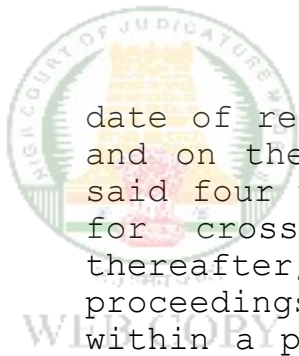


2. The case of the petitioner in these petitions is that the petitioner belongs to Scheduled Tribe Community and working in the respondent Bank as a Senior Head Messenger (Office Assistant) and at present working under the first respondent at Administrative Office. The petitioner actively involving in Trade Union Activities and member of State Bank of India Scheduled Castes/Tribes Employees Welfare Association and as well as Ambedkar Trade Union. One K.Rajendran, who is working in the Administrative Office was transferred on motivation by the higher authorities and the said transfer order was challenged and he obtained interim order before this Court. However the Rajendran was not reinstated and being a Trade Union activist, the petitioner was also present along with Rajendran for moral support and for the purpose of show their high handiness, they lodged a false complaint to the police as if the petitioner and Rajendran involved in Dharna after office hours. Thereafter the Bank issued charge memo against three persons including the petitioner on 21.03.2014 and the petitioner immediately on 11.04.2014. While the charge memo is in progress, the petitioner made a request to the second respondent to recall of prosecution witness for further cross-examination, namely PW.1-Shanmugam, PW5-Mahalingam, PW.8-Sajeth Krishna and PW.9- Kasimani, who are very much available on CCTV footage and as well as presented on 11.01.2014. However, his request was rejected on the same day. Challenging the rejection order, the petitioner filed the writ petition in W.P.(MD).No.7424 of 2016. Thereafter enquiry proceedings was adjourned to 18.04.2016 and without giving an opportunity to the petitioner, on the same day, it was closed. Challenging the said closure of the enquiry proceedings, W.P.(MD).No.8004 of 2016 is filed by the petitioner.

3. The learned counsel for the petitioner would submit that the petitioner's rights for cross-examination was denied in the said writ petition and the consequential closure of the enquiry proceedings without giving opportunity to the petitioner is against the principles of natural justice. Hence, he prays to allow the petitioner to recall the said witnesses for cross-examination and a reasonable time may be fixed by this Court to conclude the charge memo and enquiry proceedings after affording opportunity to the petitioner.

4. The learned Standing Counsel appearing for the respondents 1 and 2 would submit that the respondents have no serious objection to recall the witnesses, viz., PW.1, PW.5, PW.8 and P.W.9. Since the enquiry is pending for a long time, this Court may issue a direction and fix a date to the competent authority to conclude the charge memo.

5. In view of the limited request sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to produce the witnesses



date of receipt of a copy of this order, before the Enquiry Officer and on the same day, the petitioner shall cross-examine the above said four witnesses. Further, the Enquiry Officer has to fix a date for cross-examination of the above said four witnesses and thereafter, the second respondent shall conclude the disciplinary proceedings pending against the petitioner, in accordance with law, within a period of three (3) months from the date of completion of cross-examination.

6. With the above directions, these Writ Petitions stand disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.The Regional Manager,
RBO-II,
State Bank of India,
No.2, Dr.Ambedkar Road,
Administrative Office,
Madurai-2.

2.The Enquiry Officer and
Chief Manager (LPC-RBO-II),
State Bank of India,
No.2, Dr.Ambedkar Road,
Administrative Office,
Madurai-2.

+2 CC to M/s.M.PONNIAH, Advocate (SR-5488[F],5487 dated
16/02/2021)

**W.P. (MD) .No.7424 and 8004 of 2016
16.02.2021**

ARK(CO)

KK(01.03.2021) 3P 5C