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W.P.No.19793 of ----

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 08.09.2022

DELIVERED ON : 31.10.2022

CORAM:

THE HON'BLE MR.JUSTICE K. KUMARESH BABU

W.P.No.19793 of 2010

V.Jeyram

... Petitioner

Vs

1.M/s. Indian Bank,
Represented by its General Manager,
Head Office Indian Bank,
No.66 Rajaji Salai,
Chennai – 600 001.

2.The Deputy General Manager,
Head Office Indian Bank,
No.66 Rajaji Salai,
Chennai – 600 001.

3.The Assistant General Manager,
M/s. Indian Bank,
Circle Office, Vellore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari, to call for records pertaining to order dated 23.02.2009 bearing No.CO/VLR/VIG/F326/089/2009 of the third respondent herein as confirmed in the proceedings bearing No.1264:VG:APP:2009 dated 31.09.2009 of the second respondent herein and as confirmed in the proceedings bearing VG:VEL:2010-11/1232 dated 02.07.2010 of the first respondent herein and quash the same.

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For Petitioner : Mr.L.Chandrakumar

For Respondents : Mrs.Rita Chandrasekaran
for M/s.Aiyar & Dolia

ORDER

This Writ Petition has been filed by the employee of the respondent challenging the orders passed by the respondent dismissing him from services based on the disciplinary proceedings initiated against him

2.Heard Mr.L.Chandrakumar, learned counsel appearing for the petitioner and Mrs.Rita Chandrasekaran, learned counsel appearing for the respondents.

3.Mr.L.Chandrakumar, learned counsel appearing for the petitioner would submit that the petitioner had initially joined the services of the respondent as a clerk with effect from 25.08.1982. In appreciation of his sincere and hardwork, he had been promoted to various categories and was working as a Branch Manager at Chengadu Branch, Cheyyaru Taluk, Tiruvannamalai District. A charge sheet dated 12.08.2008 was issued to him in respect of his discharge of duty while he was working as a Branch Manager in the said Branch from 10.10.2007 to 17.04.2008. Pursuant to the charges framed, an enquiry was conducted. But, however, no



evidences were let in to substantiate the charges of misconduct. There was no complaint by any third parties that the petitioner had involved in any delinquencies for which the charges have been framed. The enquiry was not conducted as per law and the Enquiry Officer, on the basis of surmises and conjectures had given a report that the charges had been proved and that an order of dismissal was passed on 23.02.2009. Against which he had preferred an appeal, which was also rejected and a review filed thereafter was also dismissed.

4.He would vehemently contend that a reading of the enquiry report is suffice to see that there was no cogent reasonings was given by the Enquiry Officer to hold that the charges were proved. He also would contend that the electronic evidences that were sought to be relied upon were not marked as per the relevant law relating to taking in evidence through electronic mode. He would submit that the versions in the compact disk were all edited and the same should not be relied upon by the Enquiry Officer. He would further plead that the petitioner was aged about 54 years at the time of filing this Writ Petition and that he would be now 66 years and therefore sought for a lenient view.

5.Countering his arguments Mrs.Rita Chandrasekaran, learned counsel appearing for the respondents would contend that the petitioner was issued with a charge memo containing about 10 charges and charges against him were



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misappropriation of money from the account of its customers. He had committed various malpractices with regard to the opening and closing of the loan accounts of the customers without their authorization. Therefore, the petitioner should not be continued in services. She would also submit that the Enquiry Officer had not made his report on the basis of the surmises and conjectures. There were about 33 documents that were marked during the enquiry proceedings and about 9 witnesses were engaged, 5 of them were customers of the Branch, on which basis the delinquencies were proved. She would plead that the Enquiry Officer, only after considering various documents and the conversations that were recorded on the phone by the customers, which were also proved through the evidences of the respective customers had given a conclusive report that the charges were proved. Based upon which, he was again asked to submit his explanation and being not satisfied with his explanation, an order of dismissal was passed.

6.The Appellant Authority as well as the Reviewing Authority had also in detail considered various claims of the petitioner and had passed a detailed orders in rejecting the case of the petitioner.

7.I have heard the arguments advance by the learned counsels appearing for the rival parties and perused the materials available on record before this Court.



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8.A perusal of the charge memo along with its imputation would clearly and explicitly would show that there were serious charges of misappropriation, defrauding of the accounts of the customers of the Bank. A careful persual of the enquiry report submitted by the Enquiry Officer would also show that he has in detail dealt with various documentary and oral evidence and also the explanation submitted by the petitioner, in arriving at a conclusion with the charges were all proved, to which the petitioner had also submitted his explanation. The Original Authority has in detail gone into each and every charge, before coming to an conclusion that the petitioner is liable to be dismissed from service. Even the Appellate and the Reviewing Authority had in detail considered the petitioner's submissions on each and every charge and had given their observations before rejecting the appeal and review respectively.

9.I am not emboldend upon to enter into the factual disputes as I am exercising the powers of judicial review under Article 226 of Constitution of India which permits this Court only to look into as to whether the impugned order in question before this Court is clothed with arbitrariness, without jurisdiction or with malice or is a colourable exercise of power. From that as narrated above, I hold that the procedure of enquiry has been properly followed in the present case on hand and the Original Authority, Appellant Authority and the Revisional Authority had in detail considered the report of the Enquiry Officer, the submissions made by the



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petitioner and also they have recorded the reasons as to why they have come to such a conclusion.

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10. In view of the same, I do not find any merits in the Writ Petition and the same is liable to be dismissed. Hence, the Writ Petition is dismissed. However, there shall be no order as to cost. Consequently, connected miscellaneous petition is closed.

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Index: Yes/no
Speaking/non-speaking
gba

To

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K. KUMARESH BABU, J.

gba

A Pre-delivery order in
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