



W.P. No.32867 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2022

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.32867 of 2022 and
W.M.P. Nos.32270 & 32271 of 2022

Pramod Kumar Thakur

... Petitioner

vs.

1.Indian Overseas Bank,
represented by MD & CEO,
763, Anna Salai,
Chennai 600 002.

2.Indian Overseas Bank,
represented by General Manager & DA,
763, Anna Salai,
Chennai 600 002.

3.Indian Overseas Bank,
represented by Assistant General Manager and
IA, Regional Office,
D.No.3, 1st Floor,
10th East Cross Road,
Gandhi Nagar,
Vellore – 632 006.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, quashing the illegal departmental inquiry proceeding and posting the matter to the stage where principles of natural justice was violated i.e. perusal of records by the petitioner to reply the explanation letters and to call for the records pertaining to the departmental proceeding based on the illegal chargesheet dated 10.08.2021 issued by the second



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respondent and quash the same on the ground of violation of principles of natural justice, violation of system and procedure and victimization of employee and permit the petitioner to peruse the documents in accordance with the SOP issued by the Bank vide common dept circular No.589/2-15-16.

For petitioner/party in person: Mr.Pramod Kumar Thakur

For respondents : Mr.K.Srinivasamurthy for
Mr.N.G.R.Prasad

ORDER

This writ petition has been filed, challenging the impugned charge sheet dated 10.08.2021 issued to the petitioner by the second respondent.

2.The grievance of the petitioner in this writ petition is that the documentary evidence, based on which, the impugned charge sheet has been issued to the petitioner, has not been furnished to him. According to the petitioner, he has given a representation to the respondents requesting them to furnish copies of the loan documents pertaining to 33 loan accounts, which is the basis for the charge sheet. However, according to him, without furnishing a copy of the same or allowing him to inspect, the respondents are proceeding further with the disciplinary proceedings, which will be detrimental to his interest.



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3.Learned Standing Counsel appearing for the respondents, on instructions would submit that the documentary evidence, relied upon by the respondent Bank for the purpose of issuing the impugned charge sheet dated 10.08.2021, will be furnished to the petitioner if a direction is issued within a time frame to be fixed by this Court. The said statement is recorded.

4.Since the main grievance of the petitioner is that he was not given sufficient time to peruse the documents pertaining to 33 loan accounts, which is the basis of the impugned charge sheet, this Court is of the considered view that since the respondents have now undertaken to furnish copies of the documents pertaining to 1 to 33 loan accounts, which is the basis of the impugned charge sheet dated 10.08.2021, a direction can be issued to the respondent Bank to furnish a xerox copy of the same to the petitioner within a time frame to be fixed by this Court. A direction can also be issued to permit the petitioner to participate in the enquiry proceedings initiated by the respondent Bank on receipt of the documents from the respondent Bank pursuant to the directions issued by this Court today.



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5.The petitioner had earlier sought for one month's time to peruse the records, but, the respondent Bank was not inclined to grant one month time, but instead they gave 10 days time. In order to put a quietus to the issue, this Court is of the considered view that a direction could be issued to the respondent Bank to furnish the documents within a period of two weeks from the date of receipt of a copy of this order.

6.Since the respondents have undertaken to furnish copies of the documents, which is the basis of the impugned charge sheet dated 10.08.2021, this writ petition is disposed of by directing the respondent Bank to furnish copies of the documents pertaining to 33 loan accounts, which is the basis of the charge sheet issued to the petitioner, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the documents from the respondent Bank, the petitioner shall participate and co-operate in the enquiry proceedings and raise all his defence available to him under law before the Enquiry Officer.

7.However, it is made clear that the Enquiry Officer shall



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afford a fair hearing to the petitioner, but, at the same time, it is also incumbent upon the petitioner to participate and co-operate in the enquiry proceedings to enable the Enquiry Officer to submit a final report.

8. With the aforesaid direction, the writ petition stands disposed of. Consequently, connected W.M.Ps stand closed. No costs.

13.12.2022

Index: Yes/No
vga

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