



W.P(MD)No.918 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.918 of 2021

and

W.M.P.(MD)Nos.771, 774, 777 of 2021

S.Raja

... Petitioner

Vs.

1. Deputy General Manager,
(Disciplinary Authority),
Administrative Officer,
State Bank of India,
No.2, Dr.Ambedkar Road,
Madurai 625 002.
2. The Regional Manager, State Bank of India,
FIMM Regional Business Office 5,
24, G.K.N.Building, North Car Street,
Nagercoil 629 001.
3. The Assistant General Manager (OAD),
State Bank of India, LHO,
4th Floor, 16, College Lane,
Nungambakkam,
Chennai 600 006.
4. Lavanya,
Branch Manager,
SBI, Manjalumoodu Branch,
Kanyakumari District - 629 151.



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5.Hamilta, Customer Assistant,
SBI, Valliyur Branch,
Tirunelveli District - 627117.

6.Vanitha, Assistant Manager.
State Bank of India,
Vadasery Branch,
Nagercoil – 629 002.

7. P.Mahendravarman,
Chief Manager,
State Bank of India,
Viluppuram ADB Branch,
Viluppuram - 605602.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents to conduct an enquiry for the serious violations of ATM rules on 14.08.2015 at Thingal Nagar Branch as evident from CCTV footage dated 14.08.2015 and take legal action against respondents 4 to 7.

For Petitioner : Mrs.K.Sumathi for Mr.S.Suresh

For Respondents : Mr.M.Ajmal Khan, Senior Counsel,
For Mr.M.Ponnaiah, Standing Counsel.

ORDER

Heard the learned counsel appearing for the petitioner and the learned senior counsel appearing for the respondents.



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2.The petitioner herein was dismissed from service by the third respondent vide order dated 23.07.2021. He questioned the same in WP(MD)No.14100 of 2021. The dismissal order was set aside by me and the matter has been remitted for conducting further enquiry. The petitioner is a delinquent. He cannot seek a direction against the employer for conducting the petition mentioned enquiry which is the subject matter of disciplinary action. It is open to the petitioner herein to raise this ground as a defence plea in the enquiry. If the direction sought for by the petitioner is granted, it will impinge on the manner in which the disciplinary enquiry is to be conducted. The petitioner also cannot insist that action should be taken against the private respondents herein. They are employees of State Bank of India and whether to take action against them is left to the discretion of the employer. The petitioner has placed certain facts before the employer and it is for the competent authority to decide. It is not open to this Court to issue any positive direction.

3.With these observations, the writ petition is disposed of. No costs.
Connected miscellaneous petitions are closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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