



W.P(MD)No.27037 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.11.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27037 of 2022

and

W.M.P.(MD)No.21204 of 2022

A.Rani

... Petitioner

Vs.

The Assistant General Manager/
Disciplinary Authority,
Canara Bank,
Human Resources Management Section,
Circle Office, Madurai.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of of Certiorari, calling for the records pertaining to the order passed by the respondent in his proceedings in REF. No. MDUC HRM DAC CS 18/2022 dated 12.10.2022 and quash the same.

For Petitioner : Mr.V.Panneer Selvam

For Respondent : Mr.P.Pethurajesh,
Standing Counsel.



W.P(MD)No.27037 of 2022

ORDER

WEB COPY

Heard the learned counsel for the writ petitioner and the learned standing counsel for the respondent bank. With the consent of the learned counsel on either side, the writ petition is taken up for final disposal at the admission stage itself.

2.The writ petitioner was employed in Canara Bank. She joined in the Clerical cadre category in the year 1983. She reached the age of superannuation on 30.04.2019. She was then working as Branch Manager. She has now been issued with impugned charge memo dated 12.10.2022. It contains several allegations. It is not necessary for this Court to go into the same at this stage. Suffice to say that the respondents will bear in mind Clause 48(2) of the Canara Bank (Employees') Pension Regulations, 1995, which states that no departmental proceedings, if not instituted while the employee was in service, shall be instituted in respect of an event which took place more than four years before such institution. The charge memo is dated 12.10.2022. Therefore, the enquiry against the petitioner will have to be only in respect of those events within four years preceding from the date of issuance of charge memo. At this stage, the learned standing counsel would submit that before issuing charge



W.P(MD)No.27037 of 2022

memo, show cause notice was issued on 29.07.2022 and therefore, it is that date which has taken as reckoning the date. The learned counsel for the petitioner draws my attention to the decision of the Hon'ble Delhi High Court in W.P.(C) No.8732 of 2019 dated 04.07.2022 (Naresh Kumar Goel Vs. Syndicate Bank) in which following decision of the Hon'ble Supreme Court, it was held that disciplinary proceedings get initiated with issuance of charge sheet and that issuance of show cause notice is not an initiation of disciplinary proceedings. I, therefore, reiterate while enquiry against the writ petitioner can very well go on, it had to be confined to what is contemplated in Clause 48(2) of the Canara Bank (Employees') Pension Regulations, 1995.

3.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

30.11.2022

Index : Yes / No
Internet : Yes/ No
ias



WEB COPY



W.P(MD)No.27037 of 2022

G.R.SWAMINATHAN, J.

ias

W.P(MD)No.27037 of 2022

30.11.2022