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Cont.P. No.1163 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Contempt Petition No.1163 of 2023

Pramod Kumar Thakur

.. Petitioner

Versus

1.Ajay Kumar Shrivastava,
MD & CEO,
Indian Overseas Bank,
763, Anna Salai,
Chennai - 600 002.

2.R.Lakshmi Venkatesh,
General Manager & DA.,
Indian Overseas Bank,
763, Anna Salai,
Chennai - 600 002.

3.Sankarakrishnan PG,
Assistant General Manager & IA.,
Indian Overseas Bank,
Regional Office,
D No.3, 1st floor,
10th East Cross Road,
Gandhi Nagar,
Vellore - 632 006.

.. Respondents

Prayer: Petition filed under Section 11 of Contempt of Court Act 1971 to punish the respondents for disobeying the order dated 13.12.2022 issued in W.P. No.32867 of 2022.



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For Petitioner : Mr.Pramod Kumar Thakur,
Party in person

For respondents : Mr.K.Srinivasa Murthy

ORDER

This contempt petition has been filed for the alleged disobedience of the order dated 13.12.2022 passed by this Court in W.P.No.32867 of 2022. The operative portion of the order dated 13.12.2022 passed in W.P.No.32867 of 2022 reads as follows:

"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.



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

2. The learned counsel for the respondents has placed before this Court, the typed set of papers filed on behalf of the respondents which is dated 01.09.2023. He would point out that on 22.12.2022 itself, the petitioner has duly acknowledged the receipt of 33 sets of xerox copies of the loan documents, which were directed to be given to him by orders of this Court referred to supra. The acknowledgment given by the petitioner dated 22.12.2022 has also been placed on record by the learned counsel for the respondents in his typed set of papers.

3. The learned counsel for the respondents also pointed out that final orders have also been passed in the disciplinary proceedings thereafter. The final order in the disciplinary proceedings which is dated 28.03.2023 has also been produced in the typed set of papers filed by the learned counsel for the respondents. However, the petitioner, who has



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appeared as a party in person, would submit that the documents requested by the petitioner were disclosed in his communication to the respondents which is dated 22.09.2023. But, instead of giving those documents, the respondents have given different documents, which are voluminous in nature and may not be relevant. However, the learned counsel for the respondents would submit that the documents furnished by the respondents to the petitioner are all relevant with regard to the charges leveled against the petitioner by the respondents Bank. He would also submit that the respondents have not hidden anything from the petitioner.

4. Mr.Pramod Kumar Thakur, the petitioner who has appeared as party in person would submit that since the documents produced by the respondents which were acknowledged by him on 22.12.2022 are voluminous and running to several thousand pages, he had to be given time for perusing the same and submit his remarks to the respondents. However, according to the learned counsel for the respondents, sufficient time was already given to the petitioner to peruse the documents handed over to him by the respondents and only after giving sufficient time final order was passed in the disciplinary proceedings which is dated 28.03.2023. He would further submit that all the documents which were



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placed on record in the disciplinary proceedings were duly considered by the disciplinary authority and only thereafter, final order dated 28.03.2023 was passed.

5. While adjudicating contempt petition, the role of this Court is very limited. It has limited scrutiny. It has to see whether the order which is the subject matter of contempt petition has been obeyed or not and that is it. The operative portion of the order passed in W.P.No.32867 of 2022 only directs the respondents to handover copies of 33 documents to the petitioner. The petitioner has also acknowledged the receipt of those 33 documents though he may contend that they are not relevant documents. Whether the documents are relevant or not, this Court cannot adjudicate in the contempt petition, that too when the details of the documents to be furnished by the respondents to the petitioner are not reflected in the order which is the subject matter of this contempt petition. The final order dated 28.03.2023 has also been passed by the disciplinary authority. If at all the petitioner is aggrieved by the final order dated 28.03.2023 passed by the disciplinary authority on account of non furnishing of any documents, his only remedy is to challenge the same in the manner known to him under law.



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6. As observed earlier, while adjudicating a contempt petition, the role of this Court is very limited. For the foregoing reasons, there is no merit in this contempt petition. Accordingly, this contempt petition is closed. However, liberty is granted to the petitioner to challenge the final order dated 28.03.2023 in the manner known to the petitioner under law.

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Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order
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ABDUL QUDDHOSE, J.

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