



W.P.No.27485



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.27485 of 2022

and

W.M.P.No.26713 of 2022

M/s. Soumya S

... Petitioner

Vs.

1. Canara Bank,
represented by its Managing Director and CEO,
Head Office 112 J C ROD, Bangalore – 560 002.
2. The Deputy General Manager,
Zonal Inspectorate, Canara Bank,
524, Anna Salai, Teynampet, Chennai – 600 018.
3. The Appellate Authority,
Human Resource Wing, Head Office,
Canara Bank, 112 J C Road,
Bangalore – 560 002.
4. The Disciplinary Authority,
Assistant General Manager, HRM Section,
DA Cell, Circle Office, Canara Bank,
524, Anna Salai, Teynampet,
Chennai – 600 018.
5. The Inquiring Authority,
DA Cell, Circle Office, Canara Bank,
524, Anna Salai, Teynampet, Chennai – 600 018.
6. The Regional Manager,



Regional Office, Canara Bank,
Sri Sarada Vidyalaya School Campus,
II Floor, Fair Lands,
Salem, Tamil Nadu 636 016.

7. The Management Witness/ Inquiry Officer,
Vigilance Unit, 524, Anna Salai,
Teynampet, Chennai – 600 018.

8. The Review Authority/ General Manager,
HRM Section, Head Office,
Canara Bank, 112 J C Road,
Bangalore – 560 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorarified Mandamus, calling for the records relating to the impugned dismissal order in ref no CO CHN / HRMS – DAC /293/2020 dated 05.10.2020 issued by 4th respondent, the appeal rejection order in ref no.nil dated 08.02.2021 issued by the 3rd respondent, the review petition rejection order in ref.no. CNC HRMS DAC 952 E-113(i) dated 02.08.2021 issued by the 8th respondent and quash the same as illegal and direct the 1st respondent and 4th respondent to reinstate the petitioner with all consequential benefits.

For Petitioner : M/s.Soumya (party-in-person)

For Respondents : Mr.Gautham Raman
for M/s.Raman Associates

ORDER

Heard M/s.Soumya, party-in-person and Mr.Gautham Raman, learned



counsel for the respondents.

2. On a set of proven charges relating to alleged misappropriations and other irregularities, the disciplinary authority viz., the Assistant General Manager had imposed the punishment of dismissal, which shall ordinarily be disqualification for future employment through order dated 05.10.2020. As against the same, the petitioner had preferred an appeal on 11.11.2020 before the Appellate Authority of Canara Bank, which came to be rejected on 08.02.2021. The further review was also rejected by the Review Authority / 8th respondent herein. Challenging all these orders, the present Writ Petition is filed.

3. The petitioner, who appears party-in-person, submitted that the original authority, who had passed the order of punishment does not have the authority to pass the order, since her appointing authority was the Chief General Manager and therefore, the order itself is without jurisdiction. The petitioner has also submitted that none of her objections given to the proven charges have been considered by the Disciplinary Authority, while imposing the punishment and inspite of bringing this to the knowledge of the Appellate Authority, the same was ignored and therefore, the order of the Appellate Authority also requires interference.



WEB COPY

4. *Per contra*, The learned Standing Counsel appearing for the Canara Bank would submit that the services of the employees of the Canara Bank are regulated by the Canara Bank Officer Employees' (Discipline and Appeal) Regulations, 1976 and as per the Schedule annexed with the regulations, the disciplinary authority for Scale-II Officer is the Assistant General Manager or in his absence, the Deputy General Manager and therefore, the order passed by the Assistant General Manager is well within the purview of the regulations. Insofar as the order of the Appellate Authority is concerned, he would submit that all these grounds raised by the petitioner before the Appellate Authority, have been discussed in detail and therefore, there is no flaw in the order of the Appellate Authority. With these submissions, the learned Standing Counsel for the respondents submits that the petition is liable to be dismissed.

5. The first ground raised by the petitioner is questioning the authority of the Assistant General Manager to pass the impugned order. As rightly pointed out by the learned Standing Counsel for the respondents Bank, the services of the employees of the Canara Bank are governed by the Canara Bank Officer



Employees' (Discipline and Appeal) regulations, 1976. As per the said Regulations, the disciplinary authority to deal with disciplinary proceedings against a Scale-II Officer is the Assistant General Manager. The delinquency, which the petitioner faced, during the period when she was holding the post of Manager, which is admittedly a Scale-II post. Thus, in accordance with the schedule annexed to the Regulations governing the Officers of Canara Bank, the Assistant General Manager has rightly acted as a disciplinary authority and thus, the ground raised by the petitioner in this regard, stands rejected.

6. Insofar as the order of the Appellate Authority is concerned, the petitioner had preferred an appeal dated 11.11.2020 before the Appellate Authority in which she had raised several grounds, questioning the enquiry proceedings. This apart, she had also specifically raised certain grounds stating that all these facts which have been pointed out have not been considered by the disciplinary authority. The copy of the appeal petition dated 11.11.2020, as well as the order of the Appellate Authority dated 08.02.2021 has been produced before this Court.

7. I have perused the grounds raised by the petitioner in the appeal petition. Though the Appellate Authority had given certain findings as to how the order of



dismissal can be sustained, some of the grounds therein have not been specifically addressed, which is precisely the grievance of the petitioner in this Writ Petition.

8. In this background, I am of the view that the matter can be remitted back to the Appellate Authority / the 3rd respondent herein for fresh consideration of the petitioner's appeal, within a stipulated time. Since the order of the Appellate Authority is being interfered with, the consequential order passed by the Review Authority also necessarily requires to be set aside.

9. Accordingly, the impugned order of the original authority dated 05.10.2020, imposing the punishment on the petitioner, is upheld. However, the order of the Appellate Authority / 3rd respondent dated 08.02.2021, as well as the order of the review authority / 8th respondent dated 02.08.2021, are set aside and the matter is remitted back to the Appellate Authority / 3rd respondent herein for fresh consideration. The 3rd respondent, while passing fresh orders, shall consider all the grounds raised by the petitioner in her appeal petition dated 11.11.2020 and after giving opportunity to the petitioner, shall pass a speaking order within a period of three months from the date of receipt of a copy of this order.



WEB COPY

W.P.No.27485



10. With these directions, the Writ Petition stands partly allowed.

Consequently, the connected Miscellaneous Petition is closed. No costs.

16.11.2023

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

1. The Canara Bank,
represented by its Managing Director and CEO,
Head Office 112 J C ROD, Bangalore – 560 002.
2. The Deputy General Manager,
Zonal Inspectorate, Canara Bank,
524, Anna Salai, Teynampet,
Chennai – 600 018.
3. The Appellate Authority,
Human Resource Wing, Head Office,
Canara Bank, 112 J C Road,
Bangalore – 560 002.
4. The Disciplinary Authority,
Assistant General Manager, HRM Section,
DA Cell, Circle Office, Canara Bank,
524, Anna Salai, Teynampet,



W.P.No.27485

Chennai – 600 018.

5. The Inquiring Authority,
DA Cell, Circle Office, Canara Bank,
524, Anna Salai, Teynampet, Chennai – 600 018.



W.P.No.27485



6. The Regional Manager,
Regional Office, Canara Bank,
Sri Sarada Vidyalaya School Campus,
II Floor, Fair Lands,
Salem, Tamil Nadu 636 016.
7. The Management Witness/ Inquiry Officer,
Vigilance Unit, 524, Anna Salai,
Teynampet, Chennai – 600 018.
8. The Review Authority/ General Manager,
HRM Section, Head Office,
Canara Bank, 112 J C Road,
Bangalore – 560 002.



WEB COPY

W.P.No.27485



M.S.RAMESH, J.

skr

W.P.No.27485 of 2022

16.11.2023