



W.P.Nos.27783 of 2016 & 16696 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.Nos.27783 of 2016 & 16696 of 2018

W.P.No.27783 of 2016

R.Baby Shakila

...Petitioner

-Vs-

1.The Chief General Manager
(Appellate Authority),
State Bank of India, HR Department,
Circle Top House, P.B.No.737,
16, College Lane, Chennai - 600 006.

2.The General Manager
(Appointing Authority) (New Work 2),
SBI Local Head Office,
Chennai - 600 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the second respondent's proceedings made in No.DIS/CON/325 dated 24.08.2015 enclosing copy of the order dated 17.08.2015 and as confirmed by the first respondent vide its proceeding No.A&R-51, dated 23.12.2015, to quash the same and to consequently direct the respondents to



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reinstate the petitioner with all benefits, both service and monetary, including continuity of service and other benefits thereto.

For Petitioner : Mr.L.Chandrakumar

For Respondents : Mr.Anand Gopalan
for T.S.Gopalan & Co.

W.P.No.16696 of 2018

H.Srinivasan

...Petitioner

-Vs-

1.The General Manager
(Appointing Authority) (NW II),
State Bank of India, Local Head Office,
Circle Top House, 16, College Lane,
Chennai - 600 006.

2.The Chief General Manager
(Appellate Authority),
H.R. Department,
State Bank of India, Local Head Office,
Circle Top House, 16, College Lane,
Chennai - 600 006.

3.The Reviewing Authority
(Central Office Human Resources Committee),
State Bank of India, Corporate Office,
Post Box No.12, Mumbai - 21.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 24.08.2015 passed by the first respondent and



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order in A&R-8, dated 10.06.2016 by the second respondent, order dated 19.09.2016 passed by the third respondent, A&R No.140, dated 21.05.2018 passed by the second respondent, quash the same and direct the first respondent to reinstate the petitioner in service with all consequential benefits.

For Petitioner : Ms.D.Geetha
for Mr.D.Diwakaran

For Respondents : Mr.Anand Gopalan
for T.S.Gopalan & Co.

COMMON ORDER

Since the issue involved in both these writ petitions is one and the same, with the consent of both the parties, the following common order is passed.

2. On 18.10.2014, two separate charges were levelled against both the petitioners herein, relating to failure to ensure administration on the part of the Branch Manager and serious financial irregularity on the part of the Rural Marketing and Recovery Officer. On the strength of proven charges, the Disciplinary Authority had imposed the punishment of dismissal from service on 24.08.2015 to both the petitioners herein. The appeals preferred against



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the orders of punishment were also rejected by the Appellate Authority/Chief General Manager. The review petition filed by H.Srinivasan, who is the petitioner in W.P.No.16696 of 2018, was also rejected. Challenging these orders of punishment, as well as the orders passed in appeal and review, the present writ petitions have been filed.

3. Both the learned counsels appearing for the petitioners had, among other grounds, raised the ground of procedural irregularity. According to them, the State Bank of India Officers Service Conditions stipulates the condition for conducting a disciplinary action and the respondents have violated such procedures and therefore, the consequential punishment requires to be set aside. The learned counsels also submitted that the list of documents, as well as the list of witnesses, were not supplied to the petitioners along with the charge memos and therefore, the enquiry itself is vitiated. It is their further submission that when two officers are involved in a case, a joint enquiry ought to have been conducted.

4. Per contra, the learned counsel appearing for the respondents submitted that these documents were perused by the petitioners before



marking of the documents. Even otherwise, the petitioners have not objected to non-supply of the documents and they have also given their replies to the charge memos without any objections and therefore, such a ground does not require consideration.

5. This Court is not in agreement with the stand taken by the respondents. As per Regulation 68(2) of the State Bank of India Officers Service Conditions, the Disciplinary Authority is mandated to supply a copy of the articles of charges and statements of imputations of misconducts, together with a list of documents and the list of witnesses, through which the articles of charges are proposed to be substantiated. The very purpose for such a provision to supply the documents and the list of witnesses in advance is to enable the charge sheeted officials to render an effective explanation to the charges. Thus, when the charge sheeted officials are deprived of the opportunity to peruse these documents, no effective reply could be given. As the Regulation suggests, the documents and the list of witnesses are mandated to be supplied to them only for the purpose of substantiating the articles of charges through them.



6. This apart, Regulation 68(6) states that where two or more officers are concerned in a case, the Disciplinary Authority may make an order directing that the disciplinary proceedings against all of them may be taken in a common proceeding. In the instant case, the charges against both these officers revolve around a common delinquency. Though the over acts attributed to these two officers are distinct, the delinquency seems to be one and the same. As such, it would not only be appropriate but also convenient to both the authorities, if a joint enquiry is conducted, in accordance with Regulation 68(6).

7. Since this Court is of the view that the Regulations have been grossly violated and the charge sheeted officials have been deprived of an opportunity to give their reply at the inception of the disciplinary proceedings itself, the consequential enquiry conducted, as well as the orders of punishment and the orders-in-appeal, shall require interference.

8. At this juncture, both the learned counsels appearing for the petitioners submitted that the petitioners herein have been dismissed from service in the year 2015 and in view of the order that is to be passed in this



Court, the period of non-employment, from the year 2015, requires to be regulated.

9. To such a submission, the learned counsel for the respondents strongly raised his objections stating that since the order is not being set aside on merits, such regulation of the non-employment period does not arise.

10. This Court is in agreement with the stand taken by the learned counsel for the respondents. When it is found that there is a lapse in the procedures adopted by the respondents in conducting the enquiry and the findings of the Enquiry Officer has not been dealt with by this Court, it would not be appropriate to direct the respondents to regulate the petitioners' period of non-employment. However, since the dismissal orders require interference now, it would be appropriate that the respondents may be granted liberty to place the petitioners under suspension and thereafter, conduct the enquiry in accordance with the Rules.

11. In the light of the above observations and findings, the impugned orders of punishment dated 24.08.2015, the orders-in-appeal dated



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23.12.2015 and 10.06.2016, as well as the order passed in review dated

19.09.2016, are quashed. Consequently, the matter is remitted back to the

General Manager, State Bank of India, Local Head Office, Chennai, for

conduct of a fresh enquiry. The Disciplinary Authority shall supply, a copy of

the documents by which, and the list of the witnesses by whom, the articles

of charges are proposed to be substantiated, to the petitioners herein, within a

period of 15 days from the date of receipt of a copy of this order. On receipt

of the same, the petitioners shall give their detailed explanations/objections

to the charges levelled under the charge memo dated 18.10.2014, within a

period of 15 days therefrom. Thereafter, in case the Disciplinary Authority

intends to proceed further departmentally, a joint enquiry shall be conducted,

in accordance with the procedures contemplated under the State Bank of

India Officers Service Conditions, after extending due opportunities to the

petitioner during the course of enquiry. The said enquiry shall be completed

within a period of three (3) months from the date on which the petitioners

render their objections to the charge memo. The Disciplinary Authority is

also at liberty to place the petitioners under suspension at the time of

commencement of all the aforesaid proceedings.



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12. With the above directions, the writ petition stands disposed of. No costs.

08.02.2023

Index:Yes/No
Neutral Citation:Yes/No
Speaking order/Non-speaking order
hvk

To

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State Bank of India, Local Head Office,
Circle Top House, 16, College Lane,
Chennai - 600 006.
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H.R. Department,
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M.S.RAMESH,J.

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