

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

FRIDAY, THE EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

**THE HONOURABLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HONOURABLE SRI JUSTICE ANIL KUMAR JUKANTI**

WRIT APPEAL NO: 881 OF 2023

Writ Appeal under clause 15 of the Letters Patent Preferred Against Order Dated 18/07/2023 in WP No 22240 of 2012. on the file of the High Court.

Between:

1. The Appellate Authority, comprising of President & Members of the Managing Committee, Karimnagar Co-operative Urban Bank Ltd., Karimnagar District at Door No.2-6-179/1, Urban Bank Building, Karimnagar.
2. The Staff Disciplinary Committee, The Karimnagar Co-op. Urban Bank Limited, Karimnagar District at Door No. 2-6.179/1, Urban Bank Building, Karimnagar.
3. The President, Karimnagar Co-op. Urban Bank Limited, Karimnagar District at Door No. 2-6-179/1, Urban Bank Building, Karimnagar.

(The appellants 1 to 3 are represented by its President and now the elected body/President has completed the term and they are represented by the Chairman/ Person-Incharge, Karimnagar Co-operative Urban Bank Ltd., Karimnagar, in terms of G.O.Rt.No.308 Dated 24-06-2023 of APC and Secretary to Govt. of Telangana, Agrl. and Co-operative Dept.)

...APPELLANTS/RESPONDENTS 3 to 5

AND

1. A. Rajaram Reddy, S/o. A. Hanumantha Reddy, Aged about 59 years, R/o. Flat No. 101, Sai Keerthi Residency, Jyothinagar, Karimnagar, Karimnagar District.

....RESPONDENT/WRIT PETITIONER

2. The Commissioner, for Co-operation and Registrar of Co-operative Societies of Andhra Pradesh at Hyderabad.
3. The Joint Registrar-cum-District Co-operative Officer, Karimnagar District at Karimnagar.
4. A. Sampath Kumar, Superintendent, District Co-operative Audit Office-cum-Enquiry Officer, Karimnagar District at Karimnagar.

(Respondents 2 to 4 are not necessary to this W.A)

...RESPONDENTS/RESPONDENTS

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to

suspend the orders dated 18-07-2023 passed in W.P.No. 22240 of 2012, pending disposal of the Writ Appeal

**Counsel for the Appellants: SRI. A. GIRIDHAR RAO SENIOR COUNSEL REP
SRI PALLE SRINIVASA REDDY, STANDING COUNSEL**

Counsel for the Respondent No.1: SRI VIVEK JAIN

Counsel for the Respondent Nos. 2to4: --

The Court made the following: JUDGMENT

**THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI
AND
THE HON'BLE SRI JUSTICE ANIL KUMAR JUKANTI
WRIT APPEAL No.881 OF 2023**

JUDGMENT: (Per AKS,J)

This Writ Appeal is filed aggrieved by the order, dated 18.07.2023, passed in W.P.No.22240 of 2012 by a learned Single Judge of this Court.

2. Heard Sri A. Giridhar Rao, learned Senior Counsel representing Sri Palle Srinivasa Reddy, learned Standing Counsel for the appellant-Bank and Sri Vivek Jain, learned counsel for the respondent.

3. Learned Senior Counsel appearing for the appellant-Bank had contended that the respondent was working as Chief Executive Officer of the appellant-Bank. The disciplinary authority has initiated disciplinary proceedings against the respondent alleging that several irregularities were committed by him and issued Charge Memo, dated 11.05.2009. As the respondent has denied the charges levelled against him, a regular enquiry was conducted. After conducting a detailed enquiry, for the proven misconduct, the disciplinary authority has imposed a major punishment of dismissal from service, *vide* proceedings, dated 13.06.2011. Aggrieved by

the same, the respondent has preferred an appeal and the appellate authority has also rejected the appeal *vide* proceedings, dated 02.01.2012. Aggrieved by the same, the respondent has approached this Court by filing the subject W.P.No.22240 of 2012 and a learned Single Judge of this Court *vide* impugned order, dated 18.07.2023, was pleased to allow the Writ Petition by remanding the matter to the appellant-Bank on the ground that the punishment of dismissal from service imposed on the respondent is shockingly disproportionate to the charges levelled against him, without appreciating any of the contentions raised by the appellant-Bank.

4. Learned Senior Counsel appearing for the appellant-Bank further contended that the charges levelled against the respondent are very serious in nature and they pertain to financial irregularities. Because of the acts of the respondent, the appellant-Bank has suffered revenue loss. Therefore, the punishment of dismissal from service imposed on the respondent is appropriate punishment for the proven charges in the enquiry. But, the learned Single Judge has held that the punishment of dismissal from service is disproportionate to the charges levelled against the respondent. Learned Senior Counsel further contended that on the identical charges, the respondent was earlier punished

with stoppage of one increment with cumulative effect in the year 2003 and the appellant-Bank has also given a warning to the respondent that he should be careful in the future. In spite of the same, the respondent has repeated the same set of irregularities. The respondent was indulging in the said irregularities since seven years and it has come to the notice of the disciplinary authority only in the year 2009 and accordingly, the disciplinary authority has initiated disciplinary proceedings. Learned Senior Counsel further contended that the observation of the learned Single Judge that the other employees involved in the said irregularities were set off, but only the respondent was punished with dismissal from service is not correct. The other employees were also punished for their misconduct. Therefore, appropriate orders be passed in the Writ Appeal by setting aside the impugned order, dated 18.07.2023, and allow the Writ Appeal.

5. On the other hand, learned counsel for the respondent had contended that the learned Single Judge was justified in allowing the subject Writ Petition by setting aside the order of dismissal from service, as confirmed by the appellate authority. The learned Single Judge has rightly remanded the matter to the appellant-Bank on the ground that the punishment of dismissal from service imposed on the respondent is shockingly disproportionate to the

charges levelled against him. Learned counsel further contended that the allegation that the respondent has been involving in the said irregularities from the past seven years is totally incorrect. Had the respondent has involved in the said irregularities from the past seven years, the appellant-Bank would have initiated disciplinary proceedings at the earliest point of time. The learned Single Judge has rightly interfered with the punishment on the ground of proportionality by following the law laid down by the Honourable Supreme Court in **State of Karnataka and others v. Umesh**¹. The respondent has put in 13 years of service by the time the dismissal order was passed and as on today, the respondent is aged about 59 years. Therefore, the appellant-Bank can impose any other appropriate punishment, in accordance with law, which is commensurate with the charges levelled against the respondent. Learned counsel further informed the Court that the respondent is a physically disabled person and therefore, some sympathetic view can be taken in the case of the respondent. Therefore, there are no merits in the Writ Appeal and the same is liable to be dismissed.

6. This Court, having considered the rival submissions made by the learned counsel for the parties, is of the view that the learned

¹ 2022 Live Law SC 304 (Civil Appeal Nos.1763-64 of 2022, dated 22.03.2022)

Single Judge was justified in allowing the subject Writ Petition on the ground that the punishment of dismissal from service imposed on the respondent is shockingly disproportionate to the charges levelled against him. If the respondent is in service, he would have put in more than 20 years of service as on today. Therefore, the learned Single has rightly remanded the matter to the appellant-Bank to impose any other appropriate punishment in accordance with the charges levelled against the respondent. Therefore, this Court is not inclined to interfere with the impugned order, dated 18.07.2023, passed by the learned Single Judge of this Court in W.P.No.22240 of 2012.

7. Accordingly, the Writ Appeal is dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Appeal, shall stand closed.

//TRUE COPY//

SD/-B.SATYAVATHI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. One CC to SRI. PALLE SRINIVASA REDDY, STANDING COUNSEL [OPUC]
2. One CC to SRI. VIVEK JAIN, Advocate [OPUC]
3. Two CD Copies

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HIGH COURT

DATED:08/09/2023

JUDGMENT

WA.No.881 of 2023



DISMISSING THE WRIT APPEAL WITHOUT COSTS

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21/11/23