IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 05.07.2024	**Pronounced on :** 30.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.5467 of 2021
and
W.M.P.No.6066 of 2021

B.Lakshmikanth ... Petitioner

Vs.

1.The Deputy General Manager (B&O),
Chennai Zone – I, Disciplinary Authority,
State Bank of India,
Disciplinary Proceedings Cell,
Administrative Office, 86, Rajaji Salai,
Chennai – 600 001.

2.The General Manager, Appointing Authority,
State Bank of India, Local Head Office,
Circle Top House, Aparna Complex,
No: 16 College Lane,
Chennai – 600 006.

3.The Chief General Manager,
Appellate Authority, State Bank of India,
Local Head Office, Circle Top House,
Aparna Complex, No:16 College Lane,
Chennai – 600 006. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 2nd respondent in proceedings No.VIG/SV/222 dated

22.03.2018 and quash the same and further direct the 2nd respondent to reinstate the petitioner in service with back wages, continuity of service and all other attendant benefits.

For Petitioner	:	Mr.L.Chandra Kumar
For Respondents	:	Mr.S.Ravindran Senior Counsel for Mr.S.Bazeer Ahmed

ORDER

The petitioner herein was initially appointed as Officer Marketing and Recovery in the respondent Bank in the year 2007 purely on contractual basis and thereafter, on satisfying with the performance of the petitioner, his services were regularised and he was appointed as Rural Marketing and Recovery Officer on 02.08.2010. While the petitioner was working as Rural Marketing and Recovery Officer, he was subjected to disciplinary proceedings initially by placing him under Suspension and a show cause notice was issued on 09.04.2013 in all making 17 allegations against the petitioner. Thereafter, a charge memo dated 05.02.2014 was issued consisting of only nine charges. In response to the same, the petitioner submitted his explanation on 01.03.2014 and thereafter, an enquiry was conducted by duly appointing an enquiry officer. The enquiry officer submitted a report on 17.02.2015 holding that 8 out of 9 charges were proved and charge No.3 as partly proved.

2. Thereafter, the report of the enquiry officer was furnished to the petitioner by the 2nd respondent on 20.02.2015, and an opportunity of personal hearing was also provided to the petitioner and then, the impugned order dated 22.03.2018 came to be passed by the 2nd respondent imposing the punishment of removal from service on the petitioner. Aggrieved by the said order, the petitioner filed an appeal before the 3rd respondent herein. However, the 3rd respondent, by an order dated 20.02.2019, confirmed the punishment imposed on the petitioner. Thereafter, the petitioner filed a Review petition dated 16.07.2019 and the said review petition was also rejected by the Review Committee by an order dated 13.12.2019. It is aggrieved by the said order of punishment of removal from service, the petitioner approached this Court by filing the present writ petition.

3. Heard Mr.L.Chandra Kumar, learned counsel for the petitioner and Mr.Ravindran, learned Senior Counsel appearing for the respondent Bank and also perused the entire materials on record.

4. This Court is conscious of the settled legal position that this Court, in the matter of disciplinary proceedings while exercising the power under Article 226 of the Constitution of India, will not act as a appellate authority against the order passed by the disciplinary authorities and that the scope of interference by this Court in such matters is very limited and in very narrow spectrum. It is only in the case of perversity of the findings recorded by the enquiry officer or the disciplinary authorities and also in the matters where punishment imposed is shocking the conscience of the Court, this Court will interfere in the matters of disciplinary proceedings.

5. The learned counsel appearing for the respondent Bank also placed reliance on various decisions namely, in the cases of ***Orissa Mining Corporation Vs. Anand Chandras*** reported in ***(1996) 11 SCC 600, Union of India Vs. Narain Singh*** reported in ***(2002) 5 SCC 11*** and ***State Bank of India and Another Vs. Bela Bagchi*** reported in **(2005) 7 SCC 435**.

6. On considering the over all facts and circumstances of the case, this Court is of the considered view that this is a fit case where this Court is

bound to interfere with the orders passed by the disciplinary authorities, and the reasons for the same are as under:

7. For better appreciation of the matter, it is appropriate to extract the charges that are levelled against the petitioner and the initial explanation that was submitted by the petitioner in a tabular form:

Charge No.	***Charges***	***Explanation***
1	He transferred 8 accounts to Recalled Assets Account at our Ranipet Branch while he was working as RMRO at Ranipet Branch, without prior approval from the Controlling Authority and he failed to respond to Regional Manager, RBO, R-1. Vellore letter No.RBO/VLR/2217/2012-13 dated 06.09.2012, in this regard. Thus he violated the service conditions for officer as per Rule 50(3) of SBIOSR. (Statement of Allegations Item No.1)	I respectfully submit that I did not transfer the 8 Accounts to Recalled Assets Account on my own accord, but it was done by me as per the oral instructions given by Mr. R. Parthiban Branch Manager (Ranipet Branch) in Anticipation of Ratification order from the controlling authority. This is evident from the fact that the Branch Manager has subsequently obtained Ratification order for transfer of above said Accounts. Therefore, to carry out the direction issued by my superior officer can not be construed as a violation of the service conditions.

2	He failed to attend the RMROs meeting on 12.09.2012 arranged by the Regional Manager and presided by the DGM(B&O) (Zone-2), for which explanation called for from him on 20.09.2012 was forwarded to him and acknowledged by him on 24.09.2012, the same has not been responded by him, till date. Thus he did not obey the lawful and reasonable orders of the superior officer i.e. Regional RBO, Vellore and he violated the Rule No. 58(1) & 50(1) of SBIOSR (statement of Allegations Item No.2)	I respectfully submit that it is incorrect to state that I failed to attend the RMRO's meeting held on 12-09-2012 arranged by the Regional Manager and presided by the DGM/(B&O) Zone-ll. I have not received any Information either by way of SMS or written/oral communication from any one and that was the reason why I could not attend the said meeting. In fact, at that time I was on deputation in RASMECC, Vellore. Had I received any such communication, I would have definitely attended the meeting. On Earlier occasions I have attended all the meetings without fail. I have explained the same to the Regional Manager, RBO, Vellore, in person. Therefore, I submit that I have not violated the lawful and reasonable orders of the superior officer.
3	He abused his official capacity in getting personal benefits from customers like free film tickets, thereby he violated the Rule 51(4) of SBIOSR (Statement of Allegations Item	I stoutly deny the charge that during the Pongal Holidays during 2013 1 demanded film tickets at free of charge from the Film distributor Mr. N.V. Vaidyanathan to view two Tamil Films I never demanded any cinema ticket from the said Vaidyanathan nor did I view any movie on the said day in the said theatre. It is also false to state that

	No.3).	I misused my official capacity in demanding illegal gratification. At any event, Rule 51(4) is very clear that only when I "ACCEPT" any fee, remuneration, honorarium and the like in cash or kind, it is a misconduct. But the imputation in charge No. 3. is very clear that I only "Demanded" cinema ticket and not "Demanded and Accepted" the cinema ticket and viewed the Tamil Movies in the said theatre.
4	He involved in outside borrowings unauthorizedly by availing Car Loan from HDFC Bank, thus he violated Rule 59 (i) of SBIOSR. (Statement of Allegations Item No.4)	So far as the above said Two charges are concerned, at the relevant time when I availed the Car Loan from HDFC Bank and when cheques was dishonored, I was not a permanent employee of SBI and therefore, the SBIOSR was not at all applicable to me at that time. Further, proviso to Rule 59(i) clearly says that nothing in the said Rule shall apply to "Borrowing from the Bank,..................any financial Institution Including a Bank". Therefore, the above said rule is not at all applicable to my avalling car loan from HDFC Bank.
5	He issued cheques without maintaining sufficient balance in his account resulting in the cheques were returned for the reason "Funds	The cheques in question, viz., Cheque Nos. 122623 and 846629 were blank cheques issued by me to HDFC Bank at the time of availing the car loan during the year 2009. The HDFC Bank presented the same during March 2013 without any information and without

	Insufficient". By this act he violated the Rule 60 (2) of SBIOSR (Statement of Allegations Item No.5)	getting my consent and hence the same were dishonored. However, which was subsequently made good. Therefore, I have not violated Rule 60(2).
6	He disrupted normal work and detained the Regional Manager, Regional Business Office-1, Vellore for more than 2 hours (from 6.30 pm to 8.30 pm) and threatened Regional manager that he would not leave the office, unless his transfer was cancelled, thereby he had obstructed a Senior Official from discharging his duties. (Statement of Allegations Item No.6)	It is also false and incorrect to impute that on 26-02-2013 I detained the Regional Manager, Vellore for more than hours from 6.30 to 8.30 p.m. and threatened him that he would not leave the office unless, the transfer was cancelled and thereby obstructed a Senior Official from discharging his duties. I would like to submit that the Regional Manager has no power or authority to cancel my transfer order and therefore the question of threatening him that I would not leave the premises till my-transfer was cancelled is totally out of question. I further submit that it is also incorrect to state that the Regional Manager was discharging his official duty after close of the office time, that is after 6.00 p.m. The fact is that I went to the Regional Office on 26-02-2013 after 5.30 p.m. to meet the Regional Manager personally and to express my anguish as I was transferred for no fault of me. But at that time the Regional Manager was talking with the Chief Managers and therefore he asked me to wait. I waited outside his cabin till 7.30 p.m. and only thereafter he called me inside. I explained whatever actual

		scenario happened at the Branch and he also patiently hearing me. Therefore, it is totally false and incorrect to state that I detained, threatened and obstructed him from discharging his official duty on that day
7	He threatened the higher official, to bring in political influence for retention in the existing branch and for not to be transfer to Chingleput Branch. Thus he violated Rule 57 of SBIOSR. (Statement of Allegations Item No.7)	This charge is very vague and nebulous. It is does not say which higher official I threatened to bring political pressure and on which date and time. I never threatened any official nor did I bring any political pressure to get my transfer cancelled.
8	He indulged in unpleasant quarrel with staff members on 31.03.2013, during lunch time, when they have lunch together thus he violated the service conditions of officers vide the Rules 50 (4) and 50(5) of SBIOSR (Statement of Allegations Item No.8)	That above said two charges are also totally vague and nebulous. I never indulged in any sort of unpleasant quarrel inside the Branch premises nor did I acted unbecoming of an officer either on 31-03-2013 or any other day. It is also an absolute falsehood to state that quarreled with the staff members in Inebriated condition resulting in distortion of normal functioning of the Bank and create fear among the staff and public. It was only the other staff members who picked up a quarrel with me due to communal hatred. But it was subsequently compromised. The above said charges have been deliberately levelled against me only to victimise me
9	He disrupted the normal functioning of	

	the Branch by his unruly behavior on 31.03.2013, created as fear among staff and public and his act created a reputation loss to the Bank. Thus he violated the Rule 65 (3) (a) & (b) and 50(5) of SBIOSR (Statement of Allegations Item No.9) 2. Thus, Shri B.Lakshmikanth, officer, JMGS-I(RMRO) (U/S) failed to protect the interest of the Bank and discharge his duties with utmost diligence and devotion, integrity and thereby violated Rule 50(4) of State Bank of India officer's Service Rules 1992.	for I pointed out certain serious lapses in the branch and to rectify the same. In view of the above said circumstances, I respectfully submit that all the above said charges are false and baseless and I never failed to protect the interest of the Bank. I have always been discharging my duties and I assure that even in future will certainly discharge my duties, with utmost diligence, devotion and integrity.

The enquiry officer, after having conducted an enquiry came to the conclusion that the charges 1, 2 & 4 to 9 are proved and whereas, the Charge No.3 is held to be partly proved.

8.1. The Charge No.1 is pertaining to transfer of eight accounts to recalled assets account at Ranipet branch by the petitioner without prior approval from the controlling authority and the second limb of the said charge is that he failed to respond to the Regional Manager's Letter dated 06.09.2012. Thus, the petitioner alleged to have violated the service condition of the officers as per Rule 50 (3) of SBI Officers Service Rules, 1992 (herein after referred to 'Rules'). As noted above, the explanation submitted by the petitioner in response to the Charge No.1 is that, he has acted in terms of the oral instructions issued by the Branch Manager and accordingly, the Branch Manager has obtained post-approval from the Regional Manager for the said transfer of accounts through Letter dated 08.09.2012 and a copy of the said letter is also placed on record. From the said Letter, it is evident that the Branch Manager of Ranipet Branch by its Letter dated 19.06.2012 sought post facto approval for transfer of the eight accounts which was approved through letter dated 08.09.2012. It is not in dispute that the transfer of said accounts was approved by the Regional Manager. This Court, having noticed the above fact situation thus, required the respondent to produce the Letter No.AGM/5/16 dated 19.06.2012 whereby, the Branch Manager of the

Ranipet Branch made a request for post facto approval of the transfer of eight accounts as the same would reveal whether the petitioner herein acted on his own while transferring the said account or acted in terms of the oral instructions issued by the Branch Manager. But for the reasons best known, the learned counsel for the respondent having sought sufficient time for producing the said Letter expressed in-ability to produce said Letter before this Court.

8.2. Once, the action of the petitioner was ratified, as early as on 08.09.2012 itself, the action of the respondent Bank in subjecting the petitioner to disciplinary proceedings by issuing the charge memo dated 05.02.2014 on the face of it appears to be malafide. If the action of the petitioner was found to be in contravention of the any of the conduct Rules, the Regional Manager ought not to have ratified the said transfer of eight accounts. But, having ratified the transfer of accounts, subjecting the petitioner to disciplinary proceedings is totally impermissible. The second limb of the Charge No.1 is concerned, i.e.,not submitting the reply to the Letter dated 06.09.2012 of the Regional Manager is concerned, the fact remains that the petitioner has not submitted any reply to the said Letter. Be that as it may, the said Letter was dated 06.09.2012 and it is only after a lapse of about a year, the respondents have taken steps to subject the petitioner to disciplinary proceedings.

9.1. Then, coming to the Charge No.2, the allegation levelled against the petitioner is that the petitioner failed to attend RMROs meeting on 12.09.2012 arranged by the Regional Manager and presided by the DGM(B&O) (Zone-2) and an explanation was called for from him on 20.09.2012. But the petitioner failed to respond to the same and thus, the disobeyed the lawful and reasonable orders of the superior officer thereby violating the Rule 58 (1) & 50 (1) of the Rules.

9.2. In this connection, it is necessary to notice the findings that are recorded by the enquiry officer while holding this Charge as proved. The relevant portion from the report of the enquiry officer reads as under:

> *"Based on the above stated facts the undernoted inferences are made by me.*
>
> *(1) If truth had been non-receipt of intimation of the meeting (through SMS), as claimed by the CSO, he would have submitted his explanation to PEx2 quoting this as the reason. However CSO has not done this as established above. As such benefit of doubt in this context could not*

be extended to the CSO.

(2) Evidence of sending SMS would not normally be available and preserved as such;

(3) It has been shown by the Prosecution that the CSO has stated that he would act only on written instructions from RBO;

(4) A meeting, exclusively for the RMRO Group and presided over by the DGM, should have made news and would be in the knowledge of all the RMROs in the Branches/Officer of the Region;

(5) Advising RMROS, specifically those who are available locally, to attend such a meeting, does not warrant intimation/invitation in writing;

And in the above contexts, in my independent judgment, I come to the conclusion that the 2nd part of Charge-2, i.e. the CSO absented himself from attending the meeting of 12/09/2012 as PROVED."

From the above, it is evident that the enquiry officer has drawn certain inferences to held that the Charge No.2 as proved.

9.3. As against the specific contention of the petitioner that he was never informed about the RMROs meeting on 12.09.2012, there is no material that is brought on record to show that the petitioner was informed about the meeting. On the other hand, the enquiry officer held the charge proved basing upon the inferences as noted above. In the considered view of this Court, none of the inferences are sustainable under law. Failure to submit a reply for not attending the meeting does not mean that the petitioner has received intimation about the meeting. When admittedly the said intimation was through an SMS and failure to place on record the SMS sent through Mobile is fatal. A general view of the enquiry officer about the presumed knowledge of the Branch and officers in the region about RMROs meeting is also a baseless inference**.** When the petitioner specifically denied about having information about the meeting, it is for the prosecution to establish about such intimation having been sent to the petitioner. By drawing inference about the knowledge about the meeting, the charge cannot be said to be proved against the petitioner.

9.4. The second limb of Charge No.2 is concerned, non submission of reply for not attending the meeting at the relevant point of time is admitted by the petitioner and therefore, there cannot be any dispute in that regard.

10. Then, coming to the Charge No.3 pertaining to abuse a official capacity in getting personal benefits from customers like free film tickets,

thereby violating the Rule 51(4) of the Rules is concerned, the enquiry officer himself held that the charge as partly proved. A perusal of the findings of the enquiry officer on this charge is based upon P.Ex.3,4 & 5 and the enquiry officer himself discarded, and only the submission made in PEx5 is stated to have made in the presence of one Mrs.P.Sujatha who conducted an enquiry into the matter initially, but the enquiry officer himself observed that the prosecution failed to bring into the enquiry proceedings, the detailed outcome of the enquiry of Mrs.Sujatha. Having observed as such, the enquiry officer held that the Charge No.3 is partly proved and which part is proved is also not specified. The findings of the enquiry officer in this regard is vague. Further, the acts of alleged misconduct under the Charge No.3 against the petitioner is under Rule 51(4) of the Rules. But there is no finding that was recorded by the enquiry officer to say that the petitioner has accepted the film tickets or any other benefit from the customers. In the absence of the same, the fining of the enquiry officer that the Charge No.3 is partly proved is totally baseless and based on no evidence besides being perverse.

11.1. The Charge No.4 is that the petitioner has involved in outside borrowings unauthorizedly by availing Car Loan from HDFC Bank, thus violated Rule 59(i) of the Rules. The explanation of the petitioner in response to this charge is categorical as noted at paragraph No.7 *supra*. The relevant Rule 59(i) reads as under:

> *"59. No officer shall, in his individual capacity:*
> *(i) borrow money or permit any member of his family to borrow money or otherwise place himself or a member of his family under a pecuniary obligation to a broker or a money lender or a subordinate employee of the Bank or any person, association of persons, firm, company or institution, whether incorporated or not, having dealings with the Bank.*
> *Provided that nothing in this clause shall apply to borrowing from the Bank, Life the Insurance Corporation of India, a co-operative credit society or any financial institution including a bank subject to such terms and conditions as may be laid down by the Bank.*
> *Provided further that officer may accept a loan, subject to other provisions of these rules, from a relative or personal friend or account with a bonafide tradesman."*

11.2. From the above, especially first proviso, it is evident that nothing in clause (i) of Rule 59 shall apply to the borrowings from the Bank, Life Insurance Corporation of India, etc. The charge against the petitioner is that the petitioner has availed a Car Loan from HDFC Bank. Once it is admitted that the outside borrowings is from a Bank, the restriction imposed under Clause (i) of Rule 59 has no application. Inspite of the petitioner making it clear in his explanation, the enquiry officer as well as the disciplinary authority, appellate authority and Review Committee failed to take note of this aspect and blindly proceeded to hold that the charge as proved against the petitioner. Such a conclusion arrived at by all the authorities is absurd and perverse.

12. Charge No.5 is about the return of the cheques issued by the petitioner for the reason 'Funds Insufficient' is an undisputed fact and hence, the finding of the enquiry officer and the disciplinary authority etc in this regard cannot be found fault with.

13. Charge No.6 pertains to petitioner disrupting normal work and detaining Regional Manager for more than two hours and threatening the Regional Manager that he would not leave the office unless petitioner's transfer is cancelled, thereby obstructing a Senior Official in discharging his duties. Insofar as this charge is concerned, the petitioner has admitted that he

has approached the Regional Manager explaining his difficulties because of the transfer order and also about meeting the Regional Manager. However, he denied all threats being caused by the petitioner to the Regional Manager of not leaving the office of the Regional Manager unless his transfer order is cancelled. There appears to be some evidence evidencing the presence of the petitioner at the office of the Regional Manager for about two hours. But threat of calling the PRESS and exposing happenings at Regional Business Office and also staging a Dharna, etc. are concerned, it is evident that the threat is only for holding Dharna and calling the PRESS and requesting for cancelling the transfer order. Thus, the findings of the enquiry officer insofar as Charge 6 is concerned as proved cannot be said to be without any evidence.

14.1. Charge No.7 pertains to threatening higher officials to bring political influence to continue in the existing branch and for not to be transferred to Chingleput branch and thus, violating Rule 57 of the Rules.

14.2. The Charge itself is vague. Who are the higher officials whom the petitioner threatened is not spelled out either in the charge or in the statement of allegations mentioned in Annexure-2 of the charge memo. However, during the course of enquiry, the higher officials are stated to be PW10, PW11 & PW12. As seen from the findings of the enquiry officer, the entire basis for holding the Charge No.7 as proved is PEx9. A perusal of the PEx9 placed before this Court does not indicate any threat to the higher official to bring political influence. In the absence of any such complaint in PEx9, the conclusions arrived at by the enquiry officer to hold Charge No.7 as proved is totally perverse. The threat of staging Dharna and calling the PRESS etc, does not amount to misconduct under Rule 57 of the Rules. Thus, the findings of the enquiry officer that the Charge No.7 as proved is totally perverse and without application of mind.

15. The Charges 8 & 9 are result of the some incident pertaining to altercation that took place among the staff of the Branch concerned, on 31.03.2013. The enquiry officer, while recording his finding about these charges admitted that there are contradictions exist in the elaborations made by the prosecution witnesses. However, the enquiry officer failed to take into consideration the explanation and stand of the petitioner for the issue pertaining to the altercation that took place on 31.03.2013 which was already

compromised between the staff members immediately, and thereafter, a police compliant lodged was also closed etc. was failed to be taken note of. However, the enquiry officer, on having coming to the conclusion that an incident happened on 31.03.2013 proceeded to hold that the charges 8 & 9 against the petitioner as proved.

16. Thus, from the above, it is evident that the findings of the enquiry officer on major charges that are levelled against the petitioner pertaining to 1st limb Charges 1 & 2 are found to be perverse, and all the remaining charges pertains to the conduct of the petitioner in raising protest against his transfer before the Regional Manager and also about his behaviour in an incident that took place on 31.03.2013 which is subject matter of Charge Nos.8 & 9. All the other charges including the second limb of Charge Nos.1 & 2 even assuming to be proved and established, the same does not warrant imposition of punishment of removal from service. In this context, it is necessary to notice that the petitioner who was initially appointed in the year 2007 was subjected to transfer on 12 occasions till the year 2013. This itself would demonstrate the reason for frustration of the petitioner on being transferred once again in the year 2013.

17. Taking note of all the above circumstances, this Court is unhesitant to come to the conclusion that punishment of removal from service for the charges levelled and established against the petitioner is shockingly disproportionate. In the case of ***Orissa Mining Corporation and Ors***. *Vs. **Ananda Chandra Prusty*** reported in ***1996 (11) SCC 600,*** the Hon'ble Apex Court has been pleased to hold that the burden of proof depends upon the nature of explanation and the nature of charges and in the facts and circumstances of the said case refused to interfere with the findings recorded in the charges therein. Therefore, the said decision relied upon by the learned counsel for the respondents has no application to the case on hand. So also the decision in the case of ***Union of India Vs. Narain Singh*** reported in ***2002 (5) SCC 11*** which is also a case where all the charges were held proved and the Hon'ble Apex Court refused to uphold the order passed by the High Court modifying the punishment. But in the instant case, this Court had already come to the conclusion that the findings that are recorded by the enquiry officer on some of the charges are perverse. Therefore, the said decision also has no application to the case on hand. Then, coming to the decision in the

case of ***State Bank of India and Another Vs.Bela Bagchi*** reported in ***2005 (7) SCC 435,*** the Hon'ble Apex Court, in paragraph 15 of the said order held that the Bank officer is required to exercise higher standards of honesty and integrity, good conduct and discipline, etc. The case on hand is not a case where the petitioner acted dis-honestly or there is any allegation of misappropriation of funds or exceeding his authority. The alleged misconduct of the petitioner can be said to be a behaviour pattern which is result of various factors and the surroundings under which the person is brought up and the surroundings under which the person is working, etc. The behavioural pattern of every indiviual is influenced by various factors. The complaint in the present case is mostly on behaviour pattern of the petitioner and the alleged misconduct of not responding to the explanation sought by higher official, etc, such misconducts does not warrant imposition of punishment of removal from service. The petitioner who had hardly put in about six years of service, by the date on which he was placed under suspension should have been afforded an opportunity to mend himself instead of imposing punishment of removal from service.

18. Surprisingly, the respondent Bank, having placed the petitioner

under suspension in the year 2013 continued the disciplinary proceedings till the year 2018 i.e., for about five years thereby causing huge financial loss to the Bank in the shape of payment of subsistence allowance to the petitioner without extracting work which according to the learned counsel for the respondents is about Rs.15,74,204/-. The petitioner cannot be blamed for the delay in conclusion of the disciplinary proceedings.

19. When the petitioner filed an appeal and review before the competent authority, the said authorities, also without looking into crucial aspects, proceeded to confirm the orders passed by the 2nd respondent in a mechanical manner, thereby causing prejudice to the petitioner.

20. In the light of the above, this Court is of the considered view that imposing punishment of removal from service cannot be sustained under any circumstances and accordingly, the impugned punishment/penalty is hereby set aside and the matter is remanded back to the 2nd respondent for imposing appropriate punishment which would enable the petitioner to continue in service in the light of the findings recorded by this Court. The period from the date of removal from service till the date of passing of order by the 2nd

respondent on remand shall be treated as on duty, however, the petitioner shall not be entitled for any back wages for the said period. The respondent is directed to pass consequential order by duly taking into consideration the observations made in this order as expeditiously as possible at any rate within a period of two (2) months from the date of receipt of a copy of this order.

21. Accordingly, the writ petition is partly allowed. The connected miscellaneous petitions, if any shall stand closed. No costs.

30.10.2024

Index : Yes/No
Speaking Order : Yes/No
dpa

To:

1.The Deputy General Manager (B&O),
Chennai Zone – I, Disciplinary Authority,
State Bank of India,
Disciplinary Proceedings Cell,
Administrative Office, 86, Rajaji Salai,
Chennai – 600 001.

2.The General Manager, Appointing Authority,
State Bank of India, Local Head Office,
Circle Top House, Aparna Complex,
No: 16 College Lane,

Chennai – 600 006.

3.The Chief General Manager,
Appellate Authority, State Bank of India,
Local Head Office, Circle Top House,
Aparna Complex, No:16 College Lane,
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MUMMINENI SUDHEER KUMAR,J.

dpa

Pre-Delivery Order made in
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and W.M.P.No.6066 of 2021

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