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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.02.2024

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**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

Writ Appeal No.1175 of 2021

R.Rajarithnam

... Appellant

Vs

1.The Chief General Manager
State Bank of India,
H.R.Department,
Local Head Office,
“Circle Top House”,
Post Box No.737, 16, College Lane,
Chennai – 600 006.

2.The General Manager (NW2),
State Bank of India,
Local Head Office,
Chennai – 600 006.

3.The Deputy General Manager (B & O),
State Bank of India,
Maduram Complex,
No.2, Dr. Ambedkar Road,
Madurai – 625 002.

... Respondents



PRAYER: Writ Appeal has been filed under Clause 15 of Letter Patent to set aside the order dated 10.11.2020 passed by the learned Single Judge in W.P.No.25571 of 2013.

For Appellant : Mr.T.Lakshman Raja
for Mr.M.P.Srivignesh

For Respondents : Mr.S.Ravindran
Senior Counsel
for Mr.Bazeer Ahmed

JUDGMENT

(Judgement of the Court was made by Mr.K.KUMARESH BABU.,J.)

This Intra-Court Appeal had been preferred by the unsuccessful Writ Petitioner, wherein, the punishment that is inflicted upon him had been confirmed by the learned Single Judge.

2. Heard Mr.T.Lakshman Raja, learned counsel for Mr.M.P.Srivignesh, learned counsel for the appellant and Mr.S.Ravindran, learned Senior Counsel for Mr.Bazeer Ahmed, learned counsel for the respondents.

3. Mr.T.Lakshman Raja, learned counsel for the appellant would



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submit that a charge memo was issued to him on 08.10.2011, for which he had also given a detailed reply and not having been satisfied with the reply, an enquiry officer was also appointed. The enquiry officer had held that of the two instances to charge memo in Annexure no.1, the charges were not proved, but with regard to all other charges, the charges have been proved. The appellant was also issued with a show cause notice which was also duly replied to by the appellant. However, a punishment of removal from service was imposed by the Appointing Authority, by order dated 18.02.2013. Against which an appeal had been filed and the same was also dismissed by the Appellate Authority on 27.06.2013. He would submit that the charges are all without any materials. He would heavily rely upon an information provided under the Right to Information Act received by him on 03.12.2013 indicating that the total loss was only Rs.0.99 Lakhs. Therefore, he would submit that the charge that was held to be proved against him by the enquiry officer was totally perverse. Further, he would submit that a person holding similar post of that of the appellant namely a Manager of Palavoor Branch had also been issued with a similar charge memo to that of the appellant, had been given a lesser punishment, namely a punishment of stoppage of



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increment for a period of three years, which would clearly show that there was a discrimination on the part of the respondent in dealing with its employees. He would submit that the learned Single Judge had not dealt with these issues, but, had simply relied upon a judgment of the Hon'ble Apex Court and came to a conclusion that there was no error in the punishment that was imposed upon the appellant.

4. Countering his arguments, Mr.S.Ravindran, learned Senior Counsel appearing for the respondents would submit that it is not Rs.0.99 Lakhs loss that had been caused to the Bank and he would submit that as on today, there is more than a sum of Rs.8.44 Crores loss that had been caused to the Bank by the conduct of the appellant for which charges have been framed against him and the same had been proved. He would further submit that the reliance placed upon a punishment given to another Branch Manager, cannot be sought to be applied to the case of the appellant herein. The charges in that case was only the negligence on the part of the said Bank Manager in maintaining the records and not a loss that had been caused to the Bank. He would further rely upon the judgment of the Hon'ble Apex



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Court reported in the cases of *Disciplinary Authority-Cum-Regional Manager and Other Vs Nikunja Bihari Patnaik* reported in *1996 (9) SCC 69* and in the case of *State Bank of India and Another Vs Bela Bagchi and Others* reported in *2005 (7) SCC 435*, wherein, the Hon'ble Apex Court had also held that there should be a higher standard of honesty and integrity of the conduct of the banking officials. He would further submit that the enquiry officer had given a categorical finding that the instances on which the charges were framed against the appellant have all been proved. Therefore, he would submit that there is no necessity to interfere with the order passed by the learned Single Judge.

5. We have considered the rival submissions made by the learned counsels appearing on either side and perused the materials available on record before this Court.

6. Charges had been framed against the appellant for having involved himself in various delinquencies. From a perusal of the said charges along with the imputation of charges, it is clear that the appellant had involved himself in disbursing certain loans to various self-help groups



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on the allegations made therein. We do not propose to traverse into the said allegations for the simple reason that even according to the appellant, there had been loss to the Bank which he had been informed under the Right to Information Act. As has been held by the Hon'ble Apex Court in the judgment cited by the learned Senior Counsel appearing for the respondents, the Bank officials are expected to exercise higher standard of not only honesty and integrity but also higher standard of vigilance in disbursing the money of the Bank which it holds belonging to its various customers. The appellant had not disputed that there is loss to the Bank on his account of disbursement of the amount. Even if there is no loss to the Bank, the appellant ought to have followed the banking regulations/procedures laid down by the Bank. We have perused the enquiry report, which we have found that there is no perversity or irregularity in the enquiry proceedings or in the findings of the enquiry officer.

7. The learned counsel appearing for the appellant would vehemently rely upon the punishment imposed upon the Manager of the another Branch on the charges framed against him and had pleaded that



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there was discrimination in treating the appellant. In that aspect, it could be seen that the delinquent officer can plead parity by only citing another co-delinquent. In the present case, the person to whom the appellant seeks parity is not a co-delinquent nor was the charges based on the same set of facts on which the appellant had been charged. In such view of the matter, the appellant cannot seek parity in respect of an official who had been charged for a distinct delinquency.

8. For the aforesaid reasons, we are of the view that the appeal lacks bonafide, which does not warrant any interference by this court.

9. In fine, this Writ Appeal fails and is accordingly, dismissed. No costs.

(R.S.K.,J.)

(K.B., J.)

19.02.2024

Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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To

1.The Chief General Manager
State Bank of India,

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