



W.P.No.4309 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.4309 of 2015

S.Arunachalam

... Petitioner

Vs.

1. The Deputy General Manager (B&O)
Disciplinary Authority,
Disciplinary Proceedings Cell,
State Bank of India,
Network 2, Administrative Office,
Maduram Complex, No.2, Dr.Ambedkar Road,
Madurai – 625 002.
2. The General Manager (NW-II)
Appointing Authority,
State Bank of India
Local Head Office, Chennai.
3. The Chief Manager,
State Bank of India,
Sankarankovil Branch,
Tirunelveli District – 627 756.
4. The Reviewing Committee
State Bank of India,
Appeal and Review Department,
Corporate Centre, Mumbai.



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5. The Chief General Manger
State Bank of India,
Local Head Offfice,
College Road, Chennai.

6. The General Mangarer (D & PB)
State Bank of India
Local Head, College Road,
Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, calling for all the connected and relevant records relating to the order dated 25.10.2014 passed by the General Manager (Network-II) appointing authority of the second respondent herein and the letter dated 20.01.2015 State Bank of India, Sankaranayinarkoil Branch, Tirunelveli District, the third respondent herein denying pension to the petitioner and quash the same and direct the respondent sto re instate the petitioner in service with full back wages, continuity of service and all the other attendant benefits.

For petitioner	:	Ms.S.Buvaneswari
For R3	:	Mr.S.Ravindran
		Senior Counsel
		For Mr.S.Bazeer Ahamed
For R1, R2, R4, R5 and R6	:	No appearance



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ORDER

This writ petition is filed seeking for a certiorarified mandamus to quash the order dated 25.10.2014 passed by the General Manager (Network – II) Appointing authority and to direct the respondents to reinstate the petitioner in service with full back wages, continuity of service and all the other attendant benefits.

2. The learned Counsel for the petitioner submitted that on account of misconduct committed by the petitioner a charge memo dated 18.02.2003 18.02.2003 and after conducting the enquiry the report was submitted finding the charges proven and thereafter, the petitioner was removed from service on 01.12.2003. The petitioner preferred an appeal on 06.01.2004 before the Chief General Manager, State Bank of India and the appellate authority has dismissed the same by confirming the removal from service subsequently, the petitioner preferred an appeal with the Review Committee and the same was also dismissed on 03.02.2005.

3. The petitioner filed W.P.No.14250 of 2005 and the same was



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disposed of on 25.04.2005. Subsequently, W.P.No.22584 of 2004 was filed by the petitioner and the same was allowed. Aggrieved by the same then respondent bank preferred writ appeal in W.A.No.1368 of 2010 and the same was dismissed wherein the writ petition in W.P.No.14250 of 2005 which was disposed of by modifying the punishment of removal from service to that of compulsory retirement.

4. The learned counsel for the petitioner submitted that C.A.Nos.6809 and 6810 of 2014 filed by the respondent bank and the petitioner's respectively were disposed of directing the respondents to pass any orders other than removal from service and basing on the said directions the respondents passed an impugned order dated 25.10.2014 of compulsory retirement of the petitioner and aggrieved by the same this writ petition is filed.

5. Learned counsel for the third respondent submitted that the petitioner has not completed 50 years of age or 25 years of service as on the date of retirement and thereby, he is not entitled for pension.

6. The learned counsel for the petitioner reported that the



petitioner is no more and in spite of making his best efforts, none of the legal representatives have come forward to prosecute this case and hence, submitted to pass orders.

7. Heard both sides and perused the materials available on record.

8. The petitioner was charge sheeted with six charges and after completion of the enquiry out of the six charges five were proved and thereby, the petitioner was removed from service as per the order dated 02.12.2003. The petitioner preferred an appeal and a review petition and both were dismissed. The petitioner has filed a W.P.No.14250 of 2005 and a W.A.No.1368 of 2010 which was allowed in part. Aggrieved by the same, both the petitioner as well as the respondents have filed Civil Appeal Nos.6809 and 6810 of 2014 which were disposed of directing the respondents to pass appropriate orders imposing punishment other than removal from service. Considering the same the respondents passed an impugned order dated 25.10.2014 converted the punishment of removal from service to compulsory retirement.



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9. Now, the question is as to whether the impugned order passed by the respondents can be interfered with.

10. Out of 6 charges levelled against the petitioner 5 charges have been proved. Initially, the petitioner has been charged that he has sanctioned PMRY loans to in eligible persons, disbursed loans to the persons other than the borrowers, failed to conduct pre sanction inspection, mis-appropriated the loan amounts and finally, not maintained the records in respect of conducting inspection. The allegations levelled against the petitioner are very serious in nature.

11. The learned counsel for the third respondent has filed authority reported in **SCC 2006 (4) L.L.N.179** and the same is extracted hereunder:

“18. Confronted with the facts and the position of law, learned counsel for the respondent submitted that leniency may be shown to the respondent having regard to long years of service rendered by the respondent bank. We are unable to countenance with such submission. As already said, the respondent being a bank officer holds a position of trust where honesty and integrity are inbuilt requirements of functioning and it would not be proper to deal with the matter leniently. The respondent was a Manger of the bank



and it needs to be emphasised that in the banking business absolute devotion, diligence, integrity and honesty needs to be preserved by every bank officer so that the confidence of the public depositors is not impaired.. It is for this reason that when a bank officer commits misconduct, as in the present case, for his personal ends and against the interest of the bank and the depositors, he must be dealt with iron hands and he does not deserve to be dealt with leniently.”

12. The Hon'ble Supreme Court has directed the respondent management to decide in respect of the quantum of punishment and accordingly the respondents have passed punishment of compulsory retirement by modifying the previous punishment of removal from service. Therefore, the petitioner cannot question the decision of the enquiry officer and it becomes final. Since the petitioner was working in the bank and was handling the money of the people he is expected to maintain sincerity and keep up the trust of the people towards the Bank and the money deposited by the people should not be divided for other purposes. The charges proved against the petitioner are grave in nature and after going through the charges this Court is of the opinion that the punishment against the petitioner is not disproportionate to the charges proved.

13. The petitioner is no more and it is represented that the legal



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heirs of the deceased petitioner failed to come forward to implead in this writ petition.

14. Considering the above and also taking into consideration the fact that the petitioner is no more and his legal heirs have not come forward to prosecute this case, the cause does not survive any more in this case. Accordingly, this writ petition is disposed of. No costs.

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Index : Yes/No
Citation : Yes/No
Internet : Yes/No



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