



W.P.No.25594 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :14.03.2024

CORAM :

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Writ Petition No.25594 of 2021
and W.M.P.Nos.27013 & 27014 of 2021

R.V.Saranya

...

Petitioner

-Vs-

The Zonal Manager
(Disciplinary Authority)
Punjab National Bank,
Zonal Office,
No.46049, PNB Towers,
Royapettah High Road,
Chennai - 600 014.

... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India
praying for the issuance of a Writ of Certiorari, calling for the records of
the respondent in its ZO:CHN:DAC dated 28.10.2021 and quash the
same.

For Petitioner : Mr.V.Vijay Shankar

For Respondent : Mr.R.Jayaprakash



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ORDER

Heard Mr.V.Vijay Shankar, the learned counsel for the petitioner and Mr.R.Jayaprakash, the learned counsel for the respondent.

2. The petitioner has filed this writ petition challenging the order of the respondent in ZO:CHN:DAC dated 28.10.2021.

3. Mr.V.Vijay Shankar, the learned counsel for the petitioner, submitted that the petitioner has given with the charge sheet on the allegation that she has produced a bogus community certificate; in this regard, a criminal case has also been registered and investigation is still pending; without the charge sheet being filed in a criminal case and the genuineness of the certificate is investigated, it is premature on the part of the respondent to issue the charge memo and hence the same should be quashed.

4. Mr.R.Jayaprakash, the learned counsel for the respondent submitted that the writ petition shall not be entertained against mere show cause notice and charge sheet because it would not give raise to any cause of action.



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5. Reliance was placed on the judgment of the Hon'ble Supreme Court held in ***Union of India and another Vs. Kunisetty Satyanarayana, reported in (2006) 12 SCC 28*** wherein it is held as under:

*“ .. 13. It is well settled by a series of decisions of this Court that ordinarily no writ lies against a charge-sheet or show-cause notice vide **Executive Engineer, Bihar State Housing Board Vs. Ramesh Kumar Singh, Special Director Vs. Mohd. Ghulam Ghouse, Ulagappa Vs. Divisional Commr., Mysore, State of U.P. Vs. Brahm Datt Sharma, etc.,***

14. The reason why ordinarily a writ petition should not be entertained against a mere show-cause notice or charge-sheet is that at that stage the writ petition may be held to be premature. A mere charge-sheet or show-cause notice does not give rise to any cause of action, because it does not amount to an adverse order which affects the rights of any party unless the same has been issued by a person having no jurisdiction to do so. It is quite possible that after considering the reply to the show-cause notice or after holding an enquiry the authority concerned may drop the proceedings and / or hold that the charges are not established. It is well settled that a writ petition lies when some right of any party is infringed. A mere show-cause notice or charge-sheet does not infringe the right of anyone. It is only when a final order imposing some punishment or otherwise adversely affecting a



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party is passed, that the said party can be said to have any grievance.”

6. Even when the investigation in the criminal case is pending, there are materials collected by the Revenue Authorities to the effect that the community certificate produced by the petitioner is not genuine. Since *prima facie* materials are available for initiating disciplinary proceedings, it cannot be stated that it is unfair on the part of the respondents to issue charge memo in this regard.

7. It is needless to state that the criminal proceedings and the disciplinary proceeding can go together in view of the fact that they are parallel in nature. Even at the end of the criminal investigation if the Investigation Officer comes to a conclusion that the community certificate produced by the petitioner is not a bogus one, it is still open to the respondent department to initiate action with the materials available to him that the community certificate produced by the petitioner is not genuine. Unless the petitioner participates in the disciplinary proceedings by submitting her explanation and stands the enquiry, no discharge can be given to her.



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8. It might be a different situation if the charge memo has been issued without any *prima facie* materials. However, considering the pending criminal investigation, the enquiry report shall be kept in a sealed cover and further orders shall be passed after the conclusion of the investigation of the criminal case.

9. With the above observation, this writ petition is disposed. No costs. Connected miscellaneous petitions are closed.

14.03.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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R.N.MANJULA, J.
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To:

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