IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

REVIEW PETITION No.2 of 2025

in

W.P.No.24420 of 2012

29th January, 2026

Between:

SBI, rep. by its Chief General Manager AND Appellate Authority
State Bank of India, Local Head Office, Koti, Hyderabad, and others.

… Petitioners

AND

M. Venkateswarlu, S/o Kotaiah

… Respondent

ORDER:

This Court, by Order dated 04.10.2024, allowed the writ petition, W.P.No.24420 of 2012, by modifying the punishment of dismissal imposed on the writ petitioner (employee of the State Bank of India), to that of compulsory retirement. Now, through this review application, the State Bank of India (arrayed as respondent in the writ petition), seeks review of the said Order dated 04.10.2024, essentially on the grounds of jurisdiction, and also assailing the modification of punishment, on the grounds that the petitioner cannot claim lesser punishment, comparing with the co-accused (PW-1).

For convenience, the parties shall be referred to as the "petitioner", and "respondent-Bank".

2. Heard Ms. V. Uma Devi, learned Standing Counsel for the respondent-Bank; and Mr. Avadesh Narayan Sanghi, learned counsel for the petitioner. Perused the record.

3. Learned Standing Counsel would contend that the "cause of action" occurred at Vijayawada, which now falls under the territorial jurisdiction of the newly formed State of Andhra Pradesh. However, when the petitioner was dismissed from service during 2010 (vide disciplinary authority order dated 31.08.2010 and appellate authority order dated 31.05.2011), the State was not bifurcated, and the Head Office of the Bank was centrally located at Hyderabad. After bifurcation of the State, the existing Head Office at Hyderabad became the Local Head Office for the newly formed State of Telangana, and a separate Local Head Office of the Bank was established at Amaravati to cater to the newly formed State of Andhra Pradesh. Therefore, the disciplinary authority and the appellate authority for the present case would be the Bank authorities positioned at Amaravati, and not at Hyderabad.

3.2 It is contended that earlier the disciplinary authority and appellate authority had passed orders at the Head Office at Hyderabad, since the Local Head Office existed there; however, the situation has changed with the bifurcation of the erstwhile composite State of Andhra Pradesh. It is further contended that the charges were framed against the petitioner in Vijayawada, and that it would be appropriate that the jurisdiction of this case now vests with the Bank authorities at the Local Head Office of the State Bank of India at Vijayawada.

3.3 It is therefore contended that it would be fair and justified if further proceedings in this case are held before the High Court of Andhra Pradesh at Amaravati, where the "cause of action" arose, and not before the High Court of Telangana at Hyderabad, as the High Court of Telangana is no longer the court of jurisdiction for this particular case.

3.4 Further, the learned Standing Counsel refers to the following contention recorded in the review petition:

> **"It is submitted that mere awarding of a lesser punishment to the co-accused does not confer any right on the petitioner to seek the same relief as awarded to PW-1. The punishments are imposed taking into consideration the position of the employee and their role in the misconduct. The courts have repeatedly held that punishment cannot be modified unless a reasonable person comes to the conclusion that it is harsh."**

3.5 Learned Standing Counsel relied on the judgment of the Hon'ble Supreme Court in *General Manager (P), Punjab & Sind Bank v. Daya Singh*[1], and contended that the Hon'ble Supreme Court upheld the Bank's decision to dismiss the Bank Manager therein and observed that the High Court had overstepped its bounds by interfering with internal disciplinary mechanisms without sufficient grounds of mala fides; and the Supreme Court extensively referred to the following cases delineating the scope of judicial review over departmental proceedings:

i) ECIL v. B. Karunakar[2];
ii) Suresh Pathrella v. Oriental Bank of Commerce[3];
iii) SBI v. Bela Bagchi[4];
iv) Damoh Panna Sagar Rural Regional Bank v. Munna Lal Jain[5];

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[1] (2010) 11 SCC 233
[2] 1993 (4) SCC 727
[3] (2006) 10 SCC 572
[4] 2005 (7) SCC 435
[5] (2005) 10 SCC 84

v) Triveni Rubber & Plastics v. CCE[6];
vi) Arulvelu v. State[7];
vi) T.N.C.S. Corporation Ltd. v. K. Meerabai[8];
vii) Bank of India v. Degala Suryanarayana[9]; and
viii) Union of India v. H.C. Goel[10].

3.6 Based on the judgment of the Hon'ble Supreme Court in *Daya Singh* (supra) and the judgments referred to therein, learned Standing Counsel contended that in *B. Karunakar* (supra), the Hon'ble Supreme Court affirmed the limited scope of judicial review in departmental proceedings; in *Suresh Pathrella* (supra), it was held that internal disciplinary decisions should generally be upheld unless there is clear evidence of bias or lack of evidence; in *Bela Bagchi* (supra), it was held that a higher standard of integrity is expected from bank employees; in *Munna Lal Jain* (supra), it was held that even if the misconduct is rectified post facto, the initial disciplinary action remains justified; in *Triveni Rubber & Plastics* (supra), perverse findings were defined as those unsupported by evidence or unreasonable; in *Arulvelu* (supra), the necessity for evidence to substantiate disciplinary findings was reiterated; in *K. Meerabai* (supra), the limited scope of the High Court's review in departmental matters was clarified; in *Degala Suryanarayana* (supra), the grounds required for judicial interference in departmental enquiries were discussed; and in *H.C. Goel* (supra), it was held that courts should not re-weigh evidence but assess whether the conclusions logically follow from the evidence presented.

3.7. Learned Standing Counsel therefore contended that in the present case, the petitioner stated in his affidavit that while discharging

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[6]1994 Supp (3) SCC 665
[7](2009) 10 SCC 206
[8](2006) 2 SCC 255
[9]1999 (5) SCC 762
[10] 1963 SCC OnLine SC 16

duties in Vijayawada, he committed certain lapses/errors due to workload and changes in workflow on account of CBS branch issues. Although the petitioner returned the money, the relevant question is whether he would have returned the money had the fraud not been detected. Seeking leniency after detection does not convincingly demonstrate a change in attitude. It is contended that the respondent-Bank initiated disciplinary proceedings after detection of the fraud; the petitioner was issued due notices, to which he submitted responses; specific charges under Allegations Nos. I to V were framed; a disciplinary enquiry was conducted after considering his written statements; the charges were proved beyond doubt; and the petitioner was afforded due opportunity to present his defence. The petitioner admitted to the irregularities but sought leniency. However, given the gross misconduct involving public funds over a period of time and considering that he was an officer, dismissal from service was imposed. It is further contended that the petitioner's role was pivotal in the embezzlement of funds, and therefore the punishment differed from that imposed on the co-accused/PW-1 in the domestic enquiry, and hence no bias can be alleged.

4. Learned counsel for the writ petitioner contended that this Court appreciated the facts in proper legal perspective and passed the order dated 04.10.2024, and that there are no justifiable grounds for review.

5. Having considered the respective submissions and perused the record, at the outset, it is relevant to note the law laid down by the Hon'ble Supreme Court in *Sanjay Kumar Agarwal v. State Tax Officer*[11], regarding the scope of review petition:

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[11] (2024) 2 SCC 362

15. It is very pertinent to note that recently the Constitution Bench in *Beghar Foundation v. K.S. Puttaswamy (Aadhaar Review – 5 J.)* [(2021) 3 SCC 1] held that even a change in law or a subsequent decision of a coordinate Bench or larger Bench by itself cannot be regarded as a ground for review.

16. The gist of the aforestated decisions is that:

16.1 A judgment is open to review inter alia if there is a mistake or error apparent on the face of the record.

16.2 A judgment pronounced by the court is final, and departure from that principle is justified only when circumstances of a substantial and compelling character make it necessary.

16.3 An error which is not self-evident and has to be detected by a process of reasoning cannot be said to be an error apparent on the face of the record.

16.4 In exercise of jurisdiction under Order XLVII Rule 1 CPC, it is not permissible for an erroneous decision to be "reheard and corrected."

16.5 A review petition has a limited purpose and cannot be allowed to become "an appeal in disguise."

16.6 Under the guise of review, the petitioner cannot be permitted to re-agitate issues already decided.

16.7 An error apparent must be such that it strikes one on mere perusal of the record and does not require elaborate reasoning.

16.8 Even a change in law or a subsequent decision of a coordinate or larger Bench cannot, by itself, be a ground for review.

6. Although the cause of action is stated to have arisen at Vijayawada, it is a fact that when the cause of action had arisen, the State was not bifurcated, and the disciplinary authority and appellate authority of the respondent-Bank were positioned at SBI Local Head Office, at Hyderabad, and they accordingly conducted the departmental proceedings. Further, as the departmental proceedings culminated in the dismissal of the writ petitioner, the subsequent filing of the writ petition in the year 2012, happened at Hyderabad. Merely because bifurcation occurred subsequently does not render the earlier disciplinary proceedings conducted at the relevant time, *void ab initio*. Further, it is not the case of either of the parties that due process of law was not followed during enquiry.

7. Further, post-bifurcation of the State in 2014, or upon establishment of a separate High Court at Amaravati for the newly carved out State of Andhra Pradesh, neither of the counsels have filed an application or a memo raising contention on jurisdiction, instead both counsels proceeded with arguments before this Court, since 2012 until the date of passing of the Order dated 04.10.2024. Therefore, the contention of lack of jurisdiction for the officers at SBI Local Head Office, at Hyderabad, at the relevant time, cannot be accepted at this distance of time, that too in a review petition.

8. With regard to punishment, this Court considered the facts and circumstances of the present case, the judgment of the Hon'ble Supreme Court in *Umesh Kumar Pahwa v. Board of Directors, Uttarakhand Gramin Bank*[12], and also other judgments, namely *Depot Manager, APSRTC v. Mohd. Yousuf Miya*[13]; *State of Rajasthan v. B.K. Meena*[14]; *Ajit Kumar*; and *Nag v. G.M. (PJ), Indian Oil Corporation Ltd*[15]. This Court was of the considered opinion that the rationale in *Umesh Kumar Pahwa* (supra) is relevant and applicable to the facts and circumstances of the present case

[12] (2022) 4 SCC 385
[13] (1997) 2 SCC 699
[14] (1996) 6 SCC 417
[15] (2005) 7 SCC 764

inasmuch as, though the writ petitioner returned the amounts, it can be said to be a case of loss of confidence in the writ petitioner. Therefore, this Court came to the considered opinion that the punishment of dismissal from service was harsh and accordingly modified the punishment to that of compulsory retirement.

9. Further, the awarding of lesser punishment to the co-accused, being a fact borne out by the record, was nevertheless recorded for adjudication as an admitted factual contention. Therefore, it is a misconception to contend that the petitioner cannot plead similarity of punishment with the co-accused, as entertaining such a contention amounts to curtailment of the petitioner's liberty to make pleadings based on admitted facts.

10. Further, with regard to the contention – "whether the petitioner would have returned the money, had the irregularity not been detected" – it is to be noted that there cannot be adjudication of hypothetical or "what-if" scenarios. Furthermore, merely because two views are possible, or because the judgment is alleged to be based on an erroneous application of law, the same cannot be contended as grounds to entertain a review petition, as held in *Sanjay Agarwal* (supra). Further, a review petition cannot be reheard on merits, like an appeal.

11. For the foregoing reasons, this Court finds no error apparent on the face of the record in the order dated 04.10.2024 warranting review.

12. Accordingly, the review application is dismissed. No costs. Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE NAGESH BHEEMAPAKA

29th January, 2026
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