HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY ,THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION NO: 31412 OF 2016

Between:

1. **Ch.Chandramouli, (Died**)S/o Ch. Bhadrappa, Age 50 years, Occ Clerk-cum-Cashier, Telangana Grameena bank, (Formerly Deccan Grameena Bank), Chowdapur Branch, Kulkacharla Mandal, Ranga Reddy District, (presently removed from service)
2. Chowdari Mahadevamma W/o Late Ch. Chandramouli, age 58 years, R/o H.No. 18-209/4/m/1/8/1, Eswhar Colony K.V. Ranga Reddy District
3. Chowdari Mahesh S/o Late Ch. Chandramouli , Age 19 years, Occ Student , R/o H.No. 7-311, Mandipal, K.V.Ranga Reddy District

(As per court order dated 08.02.2024 Vide IA No. 01/2024 in W.P.No. 31412 of 2016 Lr's (LEGAL REPRESENTATIVES)brought on record)

...PETITIONERS

AND

1. The Telangana Grameena bank(Formerly Deccan Grameena Bank Represented by its Chairman/Appellate Authority, H.No. 2-1-520, Street No. 9, Nallakunta, Hyderabad- 500060
2. The Disciplinary Authority/, General Manager (Administration and IT) H.No.2-1-520, Street No.9, Nallakunta, Hyderabad - 500060.
3. The Regional Manager, Telangana Grameena bank, (Formerly Deccan Grameena Bank), Regional office - IV, Street No.9, Nallakunta, Hyderabad - 500060.
4. The Branch Manager, Deccan Grameena Bank, Parigi Branch, Ranga Reddy District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or Direction, more particularly a Writ in the nature of Mandamus declaring the orders passed by the 2nd respondent vide Lr.No.Gr.VII/2015-16/5434, dated 15-10-2015 in imposing the punishment of removal from banks service which shall not be a disqualification for future employment on the Petitioner and the confirmation orders passed by the 1st Respondent vide Lr.No.Gr.VII/2016- 17/1191, dated 18-5-2016 without following

any procedure contemplated under law, without examining none of the customers even though one of the similarly situated employee of the bank was given minor punishment inspite of the charges proved against him as illegal, arbitrary, discriminatory, violation of principles of natural justice and contrary to the rules and set aside the orders passed by the 2nd Respondent Lr.No.Gr.VII/2015-16/5434, dated 15-10-2015 and confirmation orders passed by the 1st Respondent vide Lr.No.Gr.VII/2016-17/1191, dated 18-5-2016 by directing the Respondents to re-instate the Petitioner into service as Clerk cum cashier with all consequential benefits in the interest of justice

I.A. NO: 1 OF 2016(WPMP. NO: 38859 OF 2016)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to continue the Petitioner as Clerk cum Cashier in the Respondent Bank by suspending the orders passed by the 2nd respondent vide Lr.No.Gr.VII/2015-16/5434, dated 15-10-2015 and confirmation orders passed by the 1st Respondent vide Lr.No.Gr.VII/2016-17/1191, dated 18-5-2016 in the interest of justice pending disposal of the Writ Petition

Counsel for the Petitioner: SRI. RAVI KUMAR VADLAKONDA

Counsel for the Respondents: SRI S. MUJIB KUMAR,
SC FOR TELANGANA GRAMEENA BANK

The Court made the following: ORDER

HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

WRIT PETITION No. 31412 OF 2016

O R D E R:

Petitioner calls in question the order of the 2nd respondent – Disciplinary Authority / General Manager (Administration & IT), dated 15.10.2015 imposing the punishment of removal from service which shall not be a disqualification for future employment on petitioner and confirmation orders passed by the 1st respondent Telangana Grameena Bank – Appellate Authority by order dated 18.05.2016.

2. The case of petitioner is that while he was working at Parigi Branch as Office Assistant, alleging misappropriation of Rs.10,000/- and Rs.4,800/-, the 2nd respondent – Disciplinary Authority/ Genera' Manager passed the impugned order of removal. Appeal preferred thereagainst to the 1st respondent – Chairman, Telangana Grameena Bank (formerly, Deccan Grameena Bank) was rejected, confirming the order of removal. Petitioner states that respondents, in a casual manner conducted enquiry and imposed the punishment. According to petitioner, in the case of Sri J. Krishna Mohan, Cashier-cum-Clerk, Neredigonda Branch who was charged for

misappropriation of funds, the same disciplinary authority imposed minor punishment of reduction of basic pay by two stages for a period of two years and he was reinstated into service, but in the same set of facts, petitioner was imposed major punishment of removal.

3. Respondents filed counter-affidavit stating that petitioner wilfully did not credit the amount deposited by the 4th respondent bank's customers – Venkateshwara Banjara MPS at Rs.10,000/- and Srinidhi Mahila Sangam at Rs.4,800/- on 02.09.2013 and 12.11.2013, after the said customers complained tc the bank, they came to know the fraud played by petitioner and therefore, issued him show cause notice. According to respondents, misappropriation of funds is a serious fraud, particularly in banks and staff member concerned cannot be allowed to take shelter by terming it as 'mistake' and 'minor' in nature. It is stated that petitioner did not bring to the notice of the bank the factum of receiving cash from customers and not crediting to the respective accounts, hence, it can safely be concluded that the conduct of petitioner tantamounts to misconduct as petitioner has not brought to the notice of the bank about non-crediting of cash by him till the customers complained about the fraud and only thereafter, he

deposited the amount into the customers' accounts. The explanation given by petitioner is not satisfactory, hence, charge memo was issued as he voluntarily confessed his wrongs. It is also stated that misconduct of petitioner is borne out by documentary evidence and Enquiry Officer rightly considered such evidence and submitted his report; the 2nd respondent properly appreciated the evidence and imposed the punishment after following due process. The Appellate Authority also independently analysed the evidence on record and confirmed the punishment. It is further stated that the facts and circumstances in the case of Sri J. Krishna Mohan are different from the one on hand, therefore, he cannot compare his case with him.

4. During pendency of Writ Petition, petitioner died, hence, his legal representatives i.e. wife and son were brought on record *vide* order dated 08.02.2024 in I.A.No. 1 of 2024.

5. Heard Sri Vadlakonda Ravi Kumar Reddy, learned counsel for petitioner and learned Standing Counsel for respondent Bank Sri Mujib Kumar Sadasivuni.

6. Learned Standing Counsel submits that a bank officer is required to exercise higher standards of honesty and integrity; every officer / employee of the bank is required to take

all possible steps to protect the interests of the bank and to discharge his duties with utmost integrity, honesty, devotion and diligence and to do nothing which is unbecoming of a bank officer; good conduct and discipline are inseparable from the functioning of every officer / employee of bank. Hence, he contends that the impugned orders are not required to be interfered with. He relied, in this regard, on the judgment of the Hon'ble Supreme Court in ***Chairman and Managing Director, United Commercial Bank v. P.C.Kakkar***[1].

7. A perusal of the material documents filed by petitioner *vide* memo and the averments of writ affidavit as well as the counter and on hearing learned counsel on either side, it is evident that petitioner in the writ affidavit stated that if any mistakes have been occurred, they are minor in nature which are done neither intentionally nor negligently but due to lack of computer knowledge; without checking the account number, he entered the amount in the passbooks of the customers as that was a busy day and he thought he can update in the bank computer system later; later on, when he started updating in the bank computer system, he found wrong account numbers in the vouchers and also in the counter-foils of two customers; immediately, he called those two customers and handed over

[1] (2003) 4 SCC 364

the counterfoils and money and asked them to write correct account numbers, but they did not turn up. Petitioner also submitted his explanation / representation dated 30.09.2015 to the notice dated 15.09.2015 requesting to drop further action; he had stated that Enquiry Officer took certain irrelevant issues and with curiosity did not consider the documents ME2, ME16, ME9, ME11, DE1 and DE2 where customers clearly accepted that there was no financial loss and neither any misappropriation of money. Petitioner filed documents along with a memo in September, 2023 which were taken on record. The letters addressed by Venkateswara Banjara Mahila Sangam and Srinidhi Mahila Podupu Sangam dated 15.05.2015 disclose that they sent amount to deposit in the bank; as the account number was wrongly mentioned, the amount was returned and thereafter on 13.12.2013 and 11.12.2023, they again got the amount deposited in their accounts and cashier concerned has no connection with the said transactions.

8. In view of the clear depositions of customers that they did not sustain any loss, this Court is of the opinion that the disciplinary authority had not considered the said depositions and the punishment of removal imposed on petitioner is harsh and disproportionate to the gravity of

misconduct. Had he been alive, this Court would have ordered his reinstatement, in the circumstances. Unfortunately, it is brought to the notice of this Court, petitioner died on 20.11.2023. Consequent to his death, his wife and son came on record as petitioners 2 and 3 as legal representatives.

9. Petitioner No.1 produced a copy of the Circular dated 21.12.2023 for implementation of compassionate appointment scheme in RRBs-Clarification from DFS, MoF, GoI, in terms of paragraphs 8.1 and 8.2 of the Scheme, application for employment under the Scheme from eligible dependents should normally be considered up to five years from the date of death or retirement on medical grounds and decision to be taken on merit in each case. However, bank can consider request for compassionate appointment when the death or retirement on medical grounds of the employee took place long back, even five years ago. Keeping this in view, RRBs are advised to consider the eligible applicants for appointment on compassionate grounds; in terms of paragraph 8.2 of the Scheme, in case the death of the employee had occurred within five years preceding the adoption of the Scheme, subject to the other conditions laid down in the said Scheme. Learned Standing Counsel for Bank submits that this Circular has no

application to the case of petitioners for, her husband died after he was removed from service. The said contention, in the factual backdrop narrated supra and also in view of the conclusion arrived at by this Court, does not hold good. It is deemed therefore, appropriate to direct respondent bank to consider the feasibility of appointing the 2nd petitioner on compassionate grounds.

10. The Writ Petition is therefore, disposed of directing the respondent bank to consider the case of petitioner No.2 on compassionate grounds consequent to death of her husband i.e. petitioner No.1, forthwith. No costs.

11. Consequently, miscellaneous Applications, if any shall stand closed.

SD/- V.KAVITHA
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

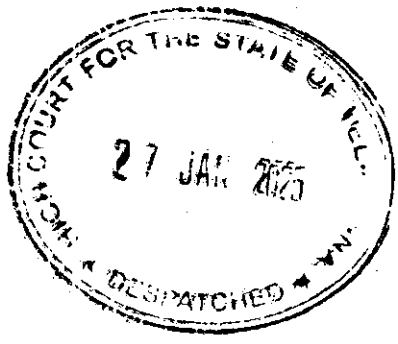
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5. One CC to SRI. RAVI KUMAR VADLAKONDA, Advocate [OPUC]
6. One CC to SRI. S. MUJIB KUMAR, SC FOR TELANGANA GRAMEENA BANK [OPUC]
7. Two CD Copies

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B M
PSK

HIGH COURT

DATED:06/12/2024



ORDER

WP.No.31412 of 2016

DISPOSING OF THE WRIT PETITION WITHOUT COSTS

(9)

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22/1/25