IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2025

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.10313 of 2012

1.B.S.Natarajan (Died)

2.Lalitha Natarajan

3.Subramanian Natarajan ... Petitioners

*P2 & P3 substituted as LRs of deceased sole petitioner vide order dated 10.03.2022 made in W.M.P.No.28078 of 2021.

Vs.

1.The Reviewing Committee,
State Bank of India,
Appeals & Review Department,
Corporate Centre,
Mumbai – 400 021.

2.The Chief General Manager/Appellate Authority,
State Bank of India,
Local Head Office,
Circle Top House,
College Lane,
Chennai – 600 006.

3.The General Manager (Net Work-2)
Appointing Authority,
State Bank of India,
Local Head Office,
Circle Top House, College Lane
Chennai – 600 006. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent relating to VIG/SNR/493 dated 12.01.2010 on the file as confirmed by the second Respondent in his order A & R 18 dated 20.07.2010 as upheld by the order of the first respondent dated 19.10.2011 in No.AFR 1166 on his file, quash the same and direct the respondents to reinstate the petitioner in service from 12.1.2010 and grant him all the attendant benefits.

For Petitioner	: Mrs.Hema Sampath Senior Counsel for M/s.R.Meenal
For R2 & R3	: Mr.S.Ravindran Senior Counsel for Mr.B.Raghavulu Naidu

ORDER

This writ petition has been originally filed by the 1st petitioner seeking a writ of certiorarified mandamus calling for the records relating to the proceedings No.VIG/SNR/493 dated 12.01.2010 passed by the 3rd respondent and the orders passed by the respondent Nos.2 & 1 in appeal and review confirming the orders passed by the 3rd respondent dated 12.01.2010 through proceedings in A & R -18 dated 20.07.2010 and 19.10.2011 respectively and to quash the same, while seeking a consequential direction to reinstate the petitioner in service with effect from 12.01.2010 and to pay all attendant benefits.

2. During the pendency of the writ petition, the 1st petitioner died and accordingly, his legal representatives namely the petitioners 2 & 3 were brought on record.

3. The brief facts that the relevant for disposal of this writ petition are as under:

3.1. While the first petitioner (hereinafter referred to as 'petitioner') was working as Deputy Manager at Manapparai Branch of the Respondent Bank, he was placed under suspension on 02.09.2006 pending enquiry. It was thereafter, two charge memos dated 23.08.2007 and 23.10.2007 were issued alleging several irregularities and misconduct on the part of the petitioner, while he was working as Branch Manager at Labbaikudikadu and as Deputy Manager (Accounts) at Nannilam Branch. The petitioner, through his reply dated 12.11.2007, denied all the charges and also contended that all the loans that was sanctioned by him can be regularized, recovered through proper follow up, and also denying the allegations of loss being caused to the respondent Bank. It was thereafter, an enquiry officer was appointed to enquire into the charges levelled against the petitioner, and the said enquiry officer after having conducted enquiry into the matter examined one witness on behalf of the Bank and marked 59 exhibits on behalf of the Bank. The petitioner herein also marked 21 defence exhibits and did not choose to examine himself as witness nor examined any witnesses on his behalf. In all, there are 32 charges that were levelled against the petitioner and out of the 32 charges most of the charges were held proved. The petitioner also has not raised any objection with regard to marking of exhibits on behalf of the respondent Bank during the course of enquiry. So also, the exhibits that are marked on behalf of the petitioner herein were also not objected by the respondent Bank during the course of an enquiry.

3.2. The enquiry officer, after having conducted enquiry for 11 days, submitted his report dated 09.06.2009 and thereafter, a copy of the same was communicated to the petitioner, duly affording an opportunity to make his submissions/objections against the report of the enquiry officer. In response thereto, the petitioner submitted his explanation/further submissions on 10.07.2009. It was on considering the submissions made by the petitioner herein, the 3rd respondent, having concurred with the findings of the enquiry officer, passed a final order dated 12.01.2010, imposing the punishment of 'dismissal from service' in terms of Rule No.67 (j) of State Bank of India Officers Service Rules, on the petitioner, while treating the period of suspension as suspension for all purposes. Aggrieved by the said order dated 12.01.2010, the petitioner filed an appeal before the 2nd respondent herein. However, the said appeal was rejected by the 2nd respondent by an order dated 20.07.2010 confirming the order passed by the 3rd respondent. It was thereafter, the petitioner filed review petition before the 1st respondent, and the said review petition was also rejected by the 1st respondent by passing an order dated 19.10.2011. It is aggrieved by the said orders passed by the 3rd respondent as confirmed by the respondents 1 & 2, the petitioner filed the present writ petition.

4.1. Mrs.Hema Sampath, learned Senior Counsel appearing for the petitioner, contended that the enquiry that was conducted into the charges levelled against the petitioner was not in accordance with law, as the Enquiry Officer has admitted as many as 51 exhibits on behalf of the respondent Bank without marking the said documents through any of the witnesses, and thereby failed to prove the contents of the said exhibits, but he placed reliance on those exhibits to record his final conclusions. She also further contended that though one Mr.Balaji was examined as management witness, the said witness has not spoken to any of the exhibits that are marked on behalf of the respondent Bank. Thus, it is contended that, all those documents cannot be treated as evidence for the purpose of establishing the charges that are levelled against the petitioner.

4.2. In support of her contention, she placed reliance on various decisions of the Hon'ble Apex Court in the cases of *Roop Singh Negi Vs Punjab National Bank and others* reported in (2009) 2 SCC 570, *State of Uttaranchal and Others Vs Kharak Singh* reported in (2008) 8 SCC 236, *State of Uttar Pradesh and others Vs Saroj Kumar Sinha* reported in *(2010) 2 SCC 772, Moni Shankar Vs Union of India and Another* reported in *(2008) 3 SCC 484, M.V.Bijlani Vs Union of India and Others* reported in *(2006) 5 SCC 88* and *Director (Marketing), Indian Oil Corporation Ltd. And Santosh Kumar* reported in *(2006) 11 SCC 147.* She also placed reliance on the decision of the learned Division Bench of this Court in W.P.No.22574 of 2001, dated 12.12.2006.

4.3. She also further contended that all the charges that are levelled against the petitioner are only with regard to procedural irregularities and there is no allegation of misappropriation of Bank funds or fraudulent acts on the part of the petitioner nor there was any loss caused to the respondent Bank because of the alleged misconduct on the part of the petitioner. Thus, she contended that the punishment that was imposed on the petitioner dismissing him from service is shockingly disproportionate to the charges levelled against the petitioner and therefore, contended that the compulsory retirement would have been appropriate punishment even if the charges are held to have been proved, against the petitioner.

5. On the other hand Mr.S.Ravindran, learned Senior Counsel appearing for the respondent Bank contended that the disciplinary proceedings would be decided basing upon the preponderance of probabilities and the strict Rules of evidence have no application to the disciplinary proceedings and therefore, the contention of the learned counsel for the petitioner with regard to proving the contents of the exhibits marked on behalf of the respondent Bank is liable to be rejected. He further contended that the Banks are dealing with public money and therefore highest integrity is required for Bank official in discharge of his legitimate duties. He also further contended that because of the acts of the petitioner which are now levelled against the petitioner, the Bank was exposed on several occasions to criticism, thereby damaging the reputation of the Bank. He also further contended that the petitioner has not chosen to examine himself to

disprove the charges that are levelled against him or to disprove the contents of the 51 exhibits marked on behalf of the respondent Bank. He also further contended that the enquiry officer has gone deep into the matter and after taking into consideration the entire material placed on record arrived at his conclusions and the said conclusions were accepted by the appointing authority, appellate authority and reviewing authority concurrently and therefore, this Court, while exercising its jurisdiction under Article 226 of the Constitution of India, cannot interfere with such factual findings recorded by the respondent authorities.

6. He also placed reliance on various decisions, namely, *Indian Overseas Bank and Ors. Vs Om Prakash Lal Srivastva* reported in *2022 (3) SCC 803, Chairman & Managing Director, United Commercial Bank and Ors. Vs. P.C.Kakkar* reported in *2003 (4) SCC 364, Boloram Bordoloi Vs Lakhimi Gaolia Bank and Ors.* reported in *2021 (3) SCC 806, Executive Director, Corporation Bank, Mangalore-575 and Ors. Vs P.R.Shantharam* reported in *2021 (4) LLN 335 (DB) (Mad.), R.Veeraraghavan Vs. State Bank of India and Ors.* in *W.A.No.717 of 2021, Disciplinary Authority-cum-Regional Manager and Ors. Vs. Nikunja Bihari Patnaik* reported in *1996 (9)*

SCC 69, Bharat Heavy Electricals Ltd. Vs. M.Chandrasekhar Reddy and Ors. reported in *2005 (2) SCC 481, State Bank of India and Ors. Vs. Bela Bagchi and Ors.* reported in *2005 (7) SCC 435,* and *Tara Chand Vyas Vs. Chairman & Disciplinary Authority and others* reported in *(1997) 4 SCC 565.*

7. This Court has carefully considered the submissions made on either side and also perused the entire material on record.

8. After having perused the entire report of the enquiry officer and other material on record, it is noticed that the petitioner has not denied most of the charges but took a stand that there was no loss caused to the Bank and therefore all such charges are liable to be dropped. For instance, it is suffice if the charges 19 and 20 are considered in little elaborate. Charge No.19 is in respect of sanctioning different loans in favour of one Mr.K.Palanivel during the period from 13.10.2004 to 01.11.2004 to the tune of more than 11 lakhs. Having sanctioned the loan of Rs.11,00,000/- in favour of the said K.Palanivel, the petitioner transferred an amount of Rs.50,000/- from the account bearing No.01593005957 of the said K.Palanivel to his personal

account on 01.11.2004. The said amount was withdrawn by the petitioner on the same day from his personal Saving Bank account. Transferring any amount from customers account to the self account of the Branch Manager by using a debit voucher is not permissible under the Banking Regulations. However, the petitioner has chosen to transfer the said amount from the account of K.Palanivel to his personal Bank account and then withdrew the same by way of cash through his personal cheque. Transferring the amounts from Bank account of Mr.K.Palanivel to his personal account and then withdrawing the same is not disputed. But the petitioner tried to explain the same, stating that it was on the request of Mr.K.Palanivel, who was an NRI, and in order to meet some urgent needs of his wife, the petitioner got the amount transferred to his account, withdrew the same, and then paid it to the wife of Mr.K.Palanivel. It is not in dispute that transferring of the said amount from customers account to the account of the petitioner is not permissible in terms of the Regulations. Therefore, the same would definitely amount to misconduct on the part of the petitioner. Whether the said amount was paid to the wife of the said K.Palanivel or not is not known, and no evidence is brought on record before the enquiry officer. If this conduct of the petitioner is undisputed, then, in the considered view of this Court, coupled with the findings rendered by the enquiry officer on all other charges, especially the sanctioning of 118 loans in a couple of days, that too, just before the petitioner relieving from the post of Branch Manager of the Branch concerned would suggest any amount of doubt on the conduct of the petitioner. It is not that, by entertaining a doubt on the conduct of the petitioner this Court is refraining to examine the matter in detail. But it is in the light of the findings recorded by the enquiry officer, as confirmed by the appointing authority, appellate authority and reviewing authority, this Court does not find any reason to go deep into the matter, especially taking into consideration the self imposed limitations of this Court, while exercising its jurisdiction under Arcticle 226 of the Constitution of India.

9. Then, coming to the contention of the learned Senior Counsel appearing for the petitioner on the ground of admitting 51 exhibits on behalf of the respondent Bank during the course of enquiry, and not proving the contents of the said documents etc are concerned, this Court is unable to agree with the said contention, for the reason that no such objection was raised by the petitioner disputing the contents of the documents nor about admission of those documents during the course of enquiry. On the other

hand, the petitioner himself also has chosen to mark some of the exhibits in the same manner, as is evident from the final submissions made by him. The petitioner, also placed reliance on various exhibits that were marked on behalf of the respondent Bank while submitting his final submissions. Had there been any objection raised at the relevant point of time with regard to any of the documents marked on behalf of the respondent Bank or any dispute on the contents of the said document, then, it would have been incumbent on the respondent Bank to prove the contents of the said documents. In the absence of any dispute raised by the petitioner about the contents of the documents, the same would amount to an admission of the contents of the documents and there is no necessity to prove the admitted contents of those documents. In the light of the above, the contention of the learned Senior Counsel appearing for the petitioner on this ground is liable to be rejected and the same is accordingly rejected.

10. Though learned counsel on either side have placed reliance on various decisions of the Hon'ble Apex Court, the law is well settled and there is no necessity to refer to each of the citations relied upon by the learned counsel on either side.

11. In the light of the above, this Court does not see any reason to interfere with the impugned punishment imposed on the petitioner by the respondent authorities and is of the considered view that this is not a case where this Court would exercise its certiorari jurisdiction under Article 226 of the Constitution of India, especially in the absence of any perversity in the findings recorded by the respondent authorities.

12. Accordingly, this writ petition is dismissed. No Costs. Connected miscellaneous petitions, if any, shall stand closed.

14.07.2025

dpa

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No

To

1.The Reviewing Committee,
State Bank of India,
Appeals & Review Department,
Corporate Centre,
Mumbai – 400 021.

MUMMINENI SUDHEER KUMAR, J.

dpa

2.The Chief General Manager/Appellate Authority,
State Bank of India,
Local Head Office,
Circle Top House,
College Lane,
Chennai – 600 006.

3.The General Manager (Net Work-2)
Appointing Authority,
State Bank of India,
Local Head Office,
Circle Top House, College Lane
Chennai – 600 006.

W.P.No.10313 of 2012

14.07.2025