



W.A.No.568 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 05.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.No.568 of 2023

V.Jayaram

... Appellant

-Vs-

1. M/s.Indian Bank,
Represented by its General Manager,
Head Office Indian Bank,
No.66 Rajaji Salai,
Chennai - 600 001.

2. The Deputy General Manager,
Head Office Indian Bank,
No.66, Rajaji Salai,
Chennai - 600 001.

3. The Assistant General Manager,
M/s.Indian Bank,
Circle Office,
Vellore.

... Respondents

PRAYER : Appeal filed under Clause XV of Amended Letters Patent, 1826 against the order dated 31.10.2022 made in W.P.No.19793 of 2010.

For Appellant : Mr.R.Sampath Kumar



WEB COPY



W.A.No.568 of 2023

For Respondents : Mr.S.Kalyanaraman
for M/s.Aiyar & Dolia

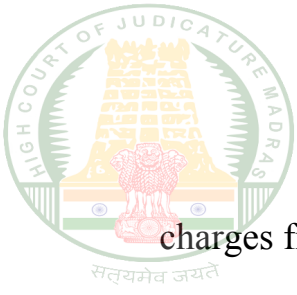
J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order dated 31.01.2022 made in W.P.No.19793 of 2010.

2. It is the case where the disciplinary action has been taken against the appellant while he was working as a Bank Officer of the respondent Bank. Ten charges have been framed against him and mainly, the nucleus of the charge is misappropriation. It is the further charge that the delinquent had committed various malpractices with regard to the opening and closing of the loan accounts of the customers without their authorization.

3. In order to establish these charges, on behalf of the Bank, 33 documents were marked during the enquiry and 9 witnesses were examined, out of whom, 5 of them were independent witnesses, i.e., they are the customers of the Bank. After conducting the enquiry by giving proper opportunity to the appellant delinquent, an Enquiry Officer has given finding stating that all the



W.A.No.568 of 2023

charges framed against the delinquent have been proved.

WEB COPY

4. Subsequently after getting further explanation submitted by the appellant / petitioner, the Disciplinary Authority has come to the conclusion that, since such serious charges of misappropriation having been examined and proved, the delinquent is liable to be punished with the maximum punishment of dismissal of service. Therefore, such punishment has been awarded against him, as against which, appeal and revision have been filed statutorily, those authorities also confirmed the order of punishment inflicted against the delinquent by the Disciplinary Authority, as against which only this writ petition had been filed.

5. We have heard Mr.R.Sampath Kumar, learned counsel appearing for the appellant and Mr.S.Kalyanaraman, learned counsel appearing for the respondents Bank and have perused the order impugned which was passed by the writ Court.

6. In the order impugned, the learned Judge has recorded that the enquiry

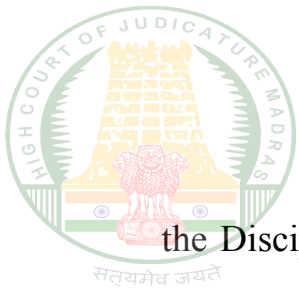


W.A.No.568 of 2023

report has been perused by the learned Judge along with the charge memo and it shows that, the Enquiry Officer had in detail dealt with various documentary and oral evidences and also the explanation submitted by the petitioner, i.e., the delinquent. Thereafter, he has arrived at the conclusion that the charges are proved. Thereafter the appellant / petitioner had also given the second explanation, hence, the learned Judge found that absolutely there has been no discrepancy in conducting the enquiry.

7. Once the enquiry has been conducted properly where the evidence has been adduced both documentary as well as orally, based on which the Enquiry Officer has given detailed enquiry report stating that all the charges framed against the delinquent have been proved, there could be no further impediment for the Disciplinary Authority to decide the punishment to be imposed against the delinquent.

8. As the charges that have been proved against the delinquent are serious in nature based on the work nature of the employee as the employer is the Bank, where the financial irregularities have been found out and fingering against the delinquent certainly the major punishment could normally be given which also has been adopted in this case by the Disciplinary Authority. That approach of



W.A.No.568 of 2023

the Disciplinary Authority in awarding the major punishment cannot be found fault with.

9. As has been observed by the learned Judge in paragraph No.9 of the impugned order that while exercising the power under Article 226 of the Constitution of India, the micro details with regard to the factum cannot be gone into as the judicial review being one of the fundamental rights of the citizen, when they come to the judicial forum, such right can be exercised only with the limitation especially when they invoke extraordinary jurisdiction of the High Court under Article 226 of the Constitution of India.

10. Within these parameters, if we look into the case in hand, where the enquiry has been conducted properly, the charges framed against him has been proved, the charges are serious in nature with regard to the misappropriation or financial irregularities of the Bank, therefore, the delinquent, i.e., appellant deserved to be inflicted with the maximum punishment, therefore we do not wish to interfere with the view that has been taken and the conclusion arrived at by the learned Judge through the impugned order.

11. In that view of the matter, this Writ Appeal is deserved to be



W.A.No.568 of 2023

dismissed and accordingly it is dismissed. However, there shall be no order as

WEB to costs.

(R.S.K., J.) (A.D.M.C., J.)
05.03.2025

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

1. The General Manager,
M/s.Indian Bank,
Head Office Indian Bank,
No.66 Rajaji Salai,
Chennai - 600 001.
2. The Deputy General Manager,
Head Office Indian Bank,
No.66, Rajaji Salai,
Chennai - 600 001.
3. The Assistant General Manager,
M/s.Indian Bank,
Circle Office,
Vellore.



WEB COPY



W.A.No.568 of 2023

**R.SURESH KUMAR, J.
and
A.D.MARIA CLETE, J.**

vji

W.A.No.568 of 2023

05.03.2025