



W.P.No. 1656 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.1656 of 2025

and

W.M.P.No.1897 of 2025

Prakasa Rao Borugadda

.. Petitioner

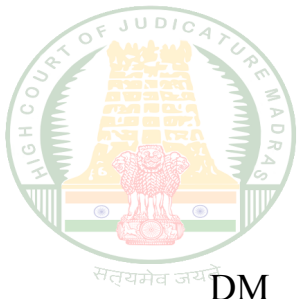
Versus

1. The General Manager,
Discipline Management Hub(South),
State Bank of India,
7th Floor, State Bank Building,
157, Anna Salai,
Chennai – 600 002.

2. The Deputy General Manager (Vigilance) ,
Network – 2
State Bank of India,
Local Head Officer,
Poojappura P.O – 695 012
Thiruvunanthapuram, Kerala.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records on the file of First Respondent herein in proceedings of the First Respondent issued,



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DM HUB(S)/TRI/SMS/2024-25/3140 dated 04.12.2024, DM HUB (S)/TRI/ISN/2024-25/3410 dated 30.12.2024 and quash the same and to issue directions to the Respondents herein to grant the revision of subsistence allowance along with the arrears on the basis of 11th bipartite settlement as well as according to Rule 68(A)(7)(ii) of the SBI Officers Services Rules 1992 and to pass orders.

For Petitioner : Mr.N. Velmurugan

For Respondents1 and 2 : Mr.C. Mohan
A.Rexy Josephine Mary for
M/s. King & Partridge

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2. This writ petition is filed seeking to issue a Writ of Certiorari calling for the records on the file of First Respondent herein in proceedings of the First Respondent issued, DM HUB(S)/TRI/SMS/2024-25/3140 dated 04.12.2024, DM HUB (S)/TRI/ISN/2024-25/3410 dated 30.12.2024 and quash the same and to



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issue directions to the Respondents herein to grant the revision of subsistence allowance along with the arrears on the basis of 11th bipartite settlement as well as according to Rule 68(A)(7)(ii) of the SBI Officers Services Rules 1992 and to pass orders.

3. The facts of the case is that the petitioner who is holding the post of Manager in the State Bank of Travancore was subjected to disciplinary proceedings and charge memo was issued to him. Thereafter enquiry was conducted and the final report of the Inquiry Authority was communicated to the first respondent on 28.08.2020. Pursuant to which the petitioner was imposed with the major penalty of dismissal of service in terms of Rule 67(J) of the State Bank of India Officers' Service Rules (SBIOSR) vide order DMHUB(S)/TRI/KR/2020-21/174 dated 07.10.2020 by the first respondent. Challenging the report of the Inquiry Authority dated 28.08.2020 and the dismissal order passed by the first respondent on 07.10.2020 the petitioner filed W.P.No.15016 and 15017 of 2020 and this Court allowed the writ petition on 01.08.2024. The operative portion of the said Judgment is as follows:



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19. In the light of the above, the impugned communications dated 28.08.2020 and 07.10.2020 are liable to be declared as illegal and arbitrary and accordingly, the impugned communications are liable to be quashed. Accordingly, they are quashed. Consequently, the Disciplinary Authority is directed to consider the objections raised by the petitioner through his representation dated 08.09.2020 against the report of the Inquiring Authority dated 27.08.2020 and then take further steps in accordance with law. The petitioner is also granted liberty to submit any further objections, if any, against the report of the Inquiring Authority, within a period of three weeks from the date of receipt of a copy of this order. In case, if any such objections are submitted by the petitioner within the time stipulated above, the Disciplinary Authority / first respondent shall take into consideration such objections also along with the objection already raised earlier through the representation dated 08.09.2020 and take further steps to conclude the disciplinary proceedings. It is made clear that the Disciplinary Authority while deciding the matter as above, shall not take into



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consideration nor be influenced by the views that were already expressed by him on 28.08.2020.

4. Pursuant to the orders passed by this Court the first respondent instructed the petitioner to express his views on the enquiry report on 29.08.2024 and the petitioner also submitted his representation through the second respondent on 12.09.2024. Thereafter, the petitioner was asked to submit to make submissions, if any, and the petitioner also submitted his representation on 22.10.2024. When things stood this, the first respondent vide order dated 04.12.2024 in DM HUB(S)/TRI/SMS/2024-25/3140 directed the petitioner that if the petitioner desires to make any submissions, he can do so within seven days from the receipt of this letter. A suitable decision will be taken after examining the same. The petitioner was further directed that if he did not make any submission, it will be construed that the petitioner has no submission to make, and the Bank would be at liberty to proceed further in the matter as it deem fit.

5. The sum and substance of the case is that due to illness of the



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petitioner's daughter the petitioner submitted a representation on 18.12.2024, wherein he sought three weeks time. However, the first respondent vide order dated 04.12.2024 in DM HUB(S)/TRI/SMS/2024-25/3140 directed the petitioner to appear through video conference on 19.12.2024. Pursuant to which the petitioner submitted another representation on 29.12.2024 regarding his medical ailment and hospitalization. When this being the case the first respondent directed the petitioner vide order dated 30.12.2024 in DM HUB (S)/TRI/2024-25/3410 dated to appear through video conference on 21.01.2025. Aggrieved over the same the petitioner has come up with this petition.

6. The learned counsel for the petitioner submitted that the petitioner was placed under suspension on 27.04.2018 and the period of one year from the date of suspension had expired on 26.04.2019. Hence, the petitioner is entitled for full allowance from 27.04.2019, but the same was not paid to the petitioner. He further submits that the petitioner is also facing the criminal trial at Palakad, Kerala from the disciplinary proceedings. In view of the serious and substantial illegalities in the



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disciplinary proceedings the petitioner was put to great hardship. Hence, prays to allow this petition.

7. The learned standing counsel appearing for the respondents submitted that the petitioner has not raised any objections due to the conclusion arrived by the Disciplinary Authority, inspite of the fact that the report of the inquiring authority is furnished to him. He further submitted that they are trying to conclude the disciplinary proceedings at the earliest and the petitioner is not co-operating. It is pertinent to note that they have considered the situation of the petitioner, that he is not able to appear in person, hence, they has given liberty to appear him through video conferencing, but the petitioner has not turned up. Hence, prays to dismiss this petition.

8. On a perusal of records it is seen that the petitioner has earlier approached this Court in W.P.No.15016 and 15017 of 2020 for quashing the report of the Inquiry Authority dated 28.08.2020 and the dismissal order passed by the first respondent on 07.10.2020 and this Court



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allowed the writ petition on 01.08.2024, wherein this Court directed the Disciplinary Authority to consider the objections raised by the petitioner through his representation dated 08.09.2020 against the report of the Inquiring Authority dated 27.08.2020 and then take further steps in accordance with law. The petitioner is also granted liberty to submit any further objections, if any, against the report of the Inquiring Authority, within a period of three weeks from the date of receipt of a copy of this order. In case, if any such objections are submitted by the petitioner within the time stipulated above, the Disciplinary Authority / first respondent shall take into consideration such objections also along with the objection already raised earlier through the representation dated 08.09.2020 and take further steps to conclude the disciplinary proceedings. It is made clear that the Disciplinary Authority while deciding the matter as above, shall not take into consideration nor be influenced by the views that were already expressed by him on 28.08.2020. Pursuant to which the petitioner has submitted his representation and the impugned order came to be passed.



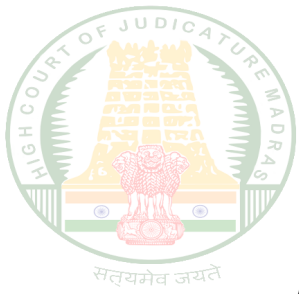
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9. Furthermore, on going through the order passed in W.P.No.15016 and 15017 of 2020 on 01.08.2024 this Court has observed as follows:

13. In terms of the settled legal position, it is only on receipt of the objections, if any, or the comments of the delinquent employee on the report of the Inquiring Authority, the Disciplinary Authority is supposed to consider the conclusions arrived at by the Inquiring Authority and the objections, if any, raised by the delinquent employee together and then, arrive at his own conclusion on the charges.

14. But in the instance case, admittedly, the Disciplinary Authority even before the report of the Inquiring Authority is furnished to the delinquent employee, examined the views recorded by the Inquiring Authority in detail and recorded a reasoned views holding that the charges framed against the petitioner are proved. While furnishing the report of the Inquiring Authority itself, the Disciplinary Authority communicated his views also to the delinquent employee. If the Disciplinary Authority has already arrived at his conclusion on the charges and holding such charges as proved, any amount of opportunity given to the delinquent employee to raise his objections against the report of the Inquiring Authority are of no consequences and the very purpose of furnishing the copy of the report of the Inquiring Authority to the delinquent employee is rendered useless. As already noted above, the right of the delinquent employee to receive a copy of the



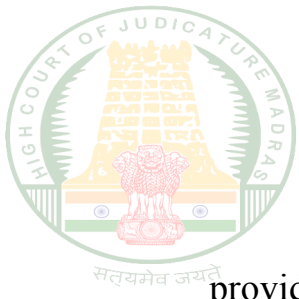
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Inquiring Authority's report and to raise objections about the same is held to be mandatory requirement in concluding the disciplinary proceedings. But in the instant case, though the copy of the report was furnished to the delinquent employee, the same is only reduced to an empty formality. Therefore, the action of the Disciplinary Authority in this regard is liable to be declared as illegal and contrary to the settled legal position.

10. In view of the above, it is made clear that there are some discrepancy in the manner of which the enquiry has been conducted. It is to be noted that the disciplinary authority reviewed the view recorded by the Enquiry Authority in detail and recorded a reasoned opinion concluding that the charges against the petitioner are proven, even before the report of the Enquiry Authority is given to the delinquent employee.

11. Therefore, the order passed by the First Respondent issued, DM HUB(S)/TRI/SMS/2024-25/3140 dated 04.12.2024, DM HUB (S)/TRI/2024-25/3410 dated 30.12.2024 is liable to be quashed and the same is quashed. The respondents are directed to conduct a fresh enquiry on 03.02.2025 and receive the representation of the petitioner, if any and



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provide the materials required by him. If the petitioner sought for any voluminous documents, he may be permitted to take photo copy of the relevant pages. However, they should conclude the enquiry and pass appropriate orders on or before 28.03.2025. The petitioner is hereby directed to appear before the authorities concerned and co-operate with them to conclude the disciplinary proceedings.

12. With the aforesaid direction, this writ petition is allowed. No order as to costs. Consequently the connected miscellaneous petition is closed.

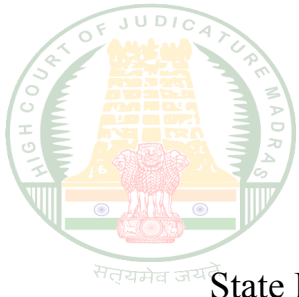
21.01.2025

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn

To

1. The General Manager,
Discipline Management Hub(South),State Bank of India,
7th Floor, State Bank Building,157, Anna Salai,
Chennai – 600 002.

2. The Deputy General Manager (Vigilance) ,
Network – 2



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State Bank of India,
Local Head Officer,
Poojappura P.O – 695 012
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V.BHAVANI SUBBAROYAN, J.

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