IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.6288 of 2012

Deepa,
D/o.Raju ... Petitioner

Vs.

1.The Chairman and Managing Director,
Canara Bank, Manipal – 576 104.

2.The Chief Manager,
Canara Bank,
Human Resource Development Division,
Manipal – 576 104.

3.The Deputy General Manager,
Canara Bank, Regional Office,
Leelavathi Building,
No.69, Armenian Street,
Chennai – 600 001.

4.The Assistant General Manager,
Canara Bank, Regional Office,
Leelavathi Building,
No.69, Armenian Street,
Chennai – 600 001. ... Respondents

(R1 to R4 cause title amended (syndicate bank to canara bank) vide order dated 10.03.2022 made in W.M.P.No.3588 of 2022 in W.P.No.6288 of 2012)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records passed by the 3rd respondent in Ref.No.617/ROCH/PCOS/2010/550629 dated 22.06.2010 and quash the same and consequently direct the respondents herein to reinstate the petitioner in service with all attendant back wages and other service benefits.

For Petitioner	:	Mr.K.Thilageshwaran
For Respondents	:	
For R1 and R4	:	Mr.K.S.V.Prasad
For R2 and R3	:	No appearance

ORDER

This Writ Petition is directed against the Impugned Order dated 22.06.2010 passed by the 3rd respondent and the subsequent order dated 14.09.2010 passed by the 1st respondent rejecting the representation of the petitioner against the aforesaid order dated 22.06.2010.

2. The petitioner joined the services of the respondents Bank on 03.11.2008 as an Assistant Manager and was on probation. However, the probation of the petitioner was not completed.

3. During the aforesaid period, the petitioner has indulged in several acts of misconduct which resulted in issuance of Charge Sheet dated 07.05.2010 and Show Cause Notice dated 11.06.2010 to the petitioner. The petitioner has also replied to the same and has tacitly admitted to the wrong doings made by her, however has stated that no loss was caused to the respondents Bank.

4. The further case of the petitioner is that the petitioner is the 1st generation graduate and with great difficulty was able to complete the education and was appointed under the services of the respondents Bank which has since been taken over by Canara Bank.

5. It is submitted that the Impugned Order dated 22.06.2010 of the 3rd respondent terminating the petitioner's service was without furnishing the Inquiry Report and therefore warrants an interference in the hands of this Court under Article 226 of the Constitution of India.

6. On the other hand, the learned counsel for the 1st and 4th respondents would submit that there is no merits in the present writ petition and further submits that this Writ Petition is liable to be dismissed.

7. It is submitted that the petitioner was only a probationer whose probation had not been declared and therefore, there is no question of issuance of any Inquiry Report. It is submitted that the petitioner was heard after the Charge Sheet and Show Cause Notice were issued and thereafter the service of the petitioner was terminated by the 3rd respondent vide order dated 22.06.2010.

8. Learned counsel for the 1st and 4th respondents would also refer to Regulation 16(3) of the Syndicate Bank Officers' Service Regulations, 1979.

9. It is submitted that before the aforesaid regulation, during the period of probation or during the extension period if the competent authority is of the opinion that the officer is not fit for confirmation in the case of a direct appointee, his / her services may be terminated by one month's notice or payment of one month's emoluments in lieu thereof and in the case of a promote from the bank's services, he / she may be reverted to the grade or cadre from which he / she was promoted.

10. It is therefore submitted that the dismissal of the petitioner from the services, cannot be questioned by the petitioner as the petitioner was found

violating her duties as an Assistant Manager (Probation) under the respondents Bank by indulging in fraudulent activities.

11. I have considered the arguments advanced by the learned counsel for the petitioner and the learned counsel for the 1st and 4th respondents.

12. The impugned order passed by the 3rd respondent was affirmed by the 1st respondent. The impugned order does not merit any interference as the petitioner has admitted to her wrong doings. The petitioner cannot shift blame to a third person stating that she committed acts of misconduct at the instructions of the third person.

13. Even otherwise, the services of the petitioner was terminated by the 3rd respondent during the extended period of probation of the petitioner.

14. As such, the Impugned Order dated 22.06.2010 does not merit any interference under Article 226 of the Constitution of India.

15. Therefore, this Writ Petition is liable to be dismissed and is accordingly dismissed. No costs.

19.02.2025

Neutral Citation : Yes / No

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To:

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C.SARAVANAN, J.

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