



W.P.No.17261 of 2020

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2025

CORAM:

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

W.P.No.17261 of 2020

1. M. Kuppusamy

2. K. Devi

3.K. Gopinath

4.K. Yuvaraj

.. Petitioners

(P2 to P4are substituted as lrs of the deceased P1. As per order dated 03.10.2024 in WMP.No.2547 of 2022 in W.P.No.17261/2020 by CKJ))

Versus

1.State Bank of India
Rep by its Chief General Manager
(Appellate Authority)
Chennai Local Head Officer,
No. 16, College Lane,
Chennai – 600 006.

2. The General Manager (Network-2)
Appointing Authority,
State Bank of India,
Zonal Office, Tiruchirapalli.



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3. The Deputy General Manager,
(Disciplinary Authority),
State Bank of India,
Zonal Office, Tiruchirapalli

..Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the order of the first respondent bearing No.A&R-18 dated 07.10.2008 and the order of the second respondent dated 04.06.2008 and the consequential order of the first respondent dated 23.09.2020 confirming the order of the second respondent dated 22.09.2020 and confirming the order of the 3rd respondent dated 19.09.2020 and quash the same and pass orders.

For Petitioner : Mr.K.Selvaraj

For Respondents : Mr.B. Raghavuluvaidu
Government Advocate

ORDER

This petition is filed to issue a Writ of of Certiorari, calling for the records relating to the order of the first respondent bearing No.A&R-18 dated 07.10.2008 and the order of the second respondent dated 04.06.2008 and the consequential order of the first respondent dated



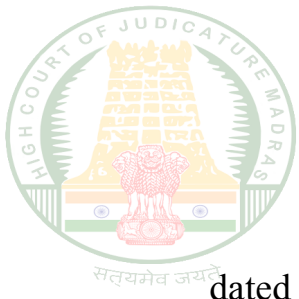
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23.09.2020 confirming the order of the second respondent dated 22.09.2020 and confirming the order of the 3rd respondent dated 19.09.2020 and quash the same and pass orders.

2. Mr.M. Kuppusamy who has initially filed the writ petition in the year 2020 passed away due to which his legal heirs/P2 to P4 have been impleaded in this writ petition.

3.The facts of the case is that the deceased/ M. Kuppusamy was appointed as a Clerk-cum Cashier in the Respondent/Bank and on 01.06.1991 he was promoted to the Junior Management Cadre. From 28.08.2003, he was working as a Field Officer at the Sendurai Branch of the Respondent Bank. Thereafter, on 01.08.2004, he was promoted as Deputy Manager Scale II. He served at the Sendurai Branch from 28.08.2003 to 31.05.2005 and was transferred to the Thuraiyur Branch of the Respondent Bank, where he was issued with a charge memo dated 23.06.2006 and thereafter on 04.06.2008, the second respondent imposed punishment of dismissal from service to the deceased/M.Kuppuswamy. Hence, the deceased/M.Kuppuswamy has submitted a representation



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dated 05.08.2020 to the respondents, the said representation was rejected by the second respondent on 22.09.2020 and by the first respondent on 23.09.2020. Hence, to quash the same, the legal heirs of the deceased/M.Kuppusamy has come up with this petition.

4. The learned counsel for the petitioners submitted that the enquiry officer has conducted the enquiry in a biased manner without following due procedures of law. He further submitted that the enquiry officer held that the delinquent had granted loans, but the fact remains that one Mr.Rajarathinam, Branch manager only had sanctioned and disbursed the loans. He further submitted that the first and second respondents without re-appreciating the documents once again have just confirmed the previous order. Hence, prays to allow this petition.

5. The learned Government Advocate submitted that the enquiry was conducted in a proper manner and the appellate authorities have only reconsidered the punishment of dismissal and ordered with reasons that no modification of the punishment is required. He further submitted that the quantified loss at Sendurai Branch is Rs.2,26,02,637.04/- and the



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delinquent failed to discharge his duties, which resulted in jeopardizing the interest of the Bank and omitted to bring to the notice of the Controllers the lapses committed by Rajarathinam subjecting the Bank to a huge loss. Hence, prays to dismiss this petition.

6. Heard both sides and perused the materials available on record.

7. On a perusal of the Charge Memo it is seen that when the deceased/Kuppusamy while working as Deputy Manager during the period from 28.08.2003 to 31.05.2005, has acted in gross negligence, resorted to indiscriminate lending, disregarded the advice of Controllers and suppressed facts, and grossly violated the Bank's laid down instructions. The said irregularities tantamount to misconduct in terms of Rule 66 of State Bank of India Officer's Service Rules. Therefore, disciplinary proceedings have been initiated against him in terms of Rule 68(1) (i) of State Bank of India Officer's Service Rules. It is pertinent to note that in the said charge memo 27 charges have been initiated against the delinquent.



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8. This Court is of the view that the Disciplinary Authority after independently examining the records of the case, the IA's findings and the submissions of the charged officer, has observed that after unbiased analysis of all the records/arguments of the case and application of his mind, he has concurred with the observations of the Inquiring Authority and imposed a major penalty of dismissal from service.

9. On going through the findings of the Enquiry officer, it is seen that the delinquent had not taken necessary care to protect the interest of the Bank and had exposed the Bank to substantial loss, thus violating Rule 50(4) of SBIOSR. Having regard to the fact that the lapses of this magnitude have occurred and the circumstantial evidences points out that the malafides are discernible on the part of the CSO, the Disciplinary Authority has recommended the punishment of “dismissal” be imposed on the delinquent. Hence, the Disciplinary Authority further proposed major Penalty Proceedings against the delinquent for certain lapses committed by him as Deputy Manager/ACcts) at Turaiyur/ Sendurai Branch case.



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10. In view of the above, this Court does not find any error in the order of the first respondent bearing No.A&R-18 dated 07.10.2008 and the order of the second respondent dated 04.06.2008 and the consequential order of the first respondent dated 23.09.2020 confirming the order of the second respondent dated 22.09.2020 and confirming the order of the 3rd respondent dated 19.09.2020 and does not interfere with the same.

11. For the foregoing reasons, this writ petition deserves to be dismissed. Accordingly, the same is dismissed. No order as to costs.

19.03.2025

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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