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W.P.No.34377 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.34377 of 2023 and
WMP.Nos.34282 & 34283 of 2023

Siva Rama Krishna

... Petitioner

Vs.

1.THE REVIEWING AUTHORITY / GENERAL MANAGER (HR) ,
UNION BANK OF INDIA, EMPLOYEE RELATIONS DIVISION,
9TH FLOOR, CENTRAL OFFICE, VIDHAN BHAVAN MARG,
NARIMANPOINT, MUMBAI- 400 021.

2.THE ASSISTANT GENERAL MANAGER /
APPELLATE AUTHORITY,
UNION BANK OF INDIA, EMPLOYEE RELATIONS DIVISION,
9TH FLOOR, CENTRAL OFFICE, VIDHAN BHAVAN MARG,
NARIMANPOINT, MUMBAI- 400 021.

3.CHIEF MANAGER/ DISCIPLINARY AUTHORITY,
HUMAN RESOURCES DEPARTMENT,
FIELD GENERAL MANAGER'S OFFICE,
CHENNAI.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating the Impugned order of the 3rd Respondent in Ref. No.FGMO- CHN: DISC / 476/ 2021 dated 27.08.2021 and the consequential impugned order of the 2nd Respondent in AGM (ERD):AA: 012:2023 dated 09.02.2023 and the consequential impugned



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order of the 1st Respondent in GM:RA:200:2023 dated 15.07.2023 and the Showcause notice of the 2nd Respondent made in CO:ERD:7315:2023 dated 21.09.2023 and quash the same and consequently direct the respondents to refund the gratuity amount of Rs.10,35,453 / - to the Petitioner.

For Petitioner : Ms.Lakshana
for M/s.Dhalapathy Vignesh Kumar

For Respondents
For R1 & 2 : No appearance

For R3 : Ms.T.Keerthivarshini,
for M/s.Aiyar and Dolia

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 27.08.2021 and the consequential order passed by the second respondent dated 09.02.2023 and the order dated 15.07.2023 passed by the first respondent and the notice issued by the second respondent dated 21.09.2023.

2. The petitioner had joined in the respondents bank as Branch Manager. While he was working as Branch Manager, he was served with charge memo consisting four charges. After enquiry and after following due process, the petitioner was dismissed from service.



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3. The learned counsel for the petitioner would submit that atleast the petitioner may be compulsorily retired so that he is entitled for other terminal benefits.

4. On perusal of the records and also on the submissions made by the learned counsel appearing for the third respondent, it is revealed that the petitioner was charged for failing to take all possible steps to ensure and protect the interest of the bank, failing to discharge his duties with utmost devotion and diligence, failure to discharge his duties with utmost honesty and integrity and for acting otherwise than in his best judgment in the performance of his officials duties. All the charges were proved and he was dismissed from service. Aggrieved by the same, the petitioner preferred appeal and the same was also dismissed by the appellate authority by an order dated 09.02.2023. Once again aggrieved by the same, the petitioner filed review petition and the same was also dismissed by order dated 15.07.2023. Thereafter, the petitioner was also issued show cause notice dated 21.09.2023 for forfeiture of gratuity.

5. On perusal of records, it is also revealed that all the charges were proved in the enquiry that the petitioner duly during his tenur as

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Branch Head, has sanctioned 20 loans aggregating to the tune of Rs.35.74

lakhs without involving another officer in the loan appraisal / sanctioning process. He failed to ensure end use of funds lent as units were not located at the given address. That apart, in 10 PMYCC loan accounts sanctioned by the petitioner, units are not existing. In some cases, the loan proceeds are either drawn in cash or transferred to unrelated accounts. The loan proceedings are also transferred to Savings Bank account of the borrower, instead of remitting the amount directly to dealer along with margin money, thereby the petitioner caused loss to the bank to the tune of Rs.45,36,876.82/-. The petitioner is not entitled to receive gratuity amount to the tune of Rs.10,35,453/-, since as per provisions of clause 4(6)(a) of the Payment of Gratuity Act and Clause 3 to Schedule 'A' of Bank's Gratuity Rules, gratuity amount otherwise payable to the petitioner is liable to be forfeited to the extent of loss caused to the bank by the petitioner. Therefore, the petitioner was rightly issued show cause notice to forfeit the gratuity amount to the tune of Rs.10,35,453/-.

6. In view of the above, this Court finds no infirmity or illegality in the impugned orders and notice. As such, this writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed.



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Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Neutral citation: Yes/No
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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