



W.P(MD)No.9622 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on: 10.10.2025

Pronounced on: 17.10.2025

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

WP(MD)No.9622 of 2019
and
W.M.P(MD)No.19605 of 2025

S.Muralidharan

... Petitioner

Vs.

1.The Deputy General Manager/The Appellate Authority,
Canara bank,
No.112, J.C.Road,
Bangalore-560 002.

2.The Assistant General Manager/
The Disciplinary Authority,
Human Resources Management Section(HRM Section)
Circle Office,
East Veli Street,
Madurai-625 001.

3.The Assistant General Manager,
Human Resources Management Section(HRM Section)
Regional Office,
Muthiah Towers,
No.1, Williams Road,
Cantonment,
Trichy-620 001.

4.The Canara Bank,
Through its Chairman/ Managing Director,
Head Office at No.112, J.C.Road,
Banagalore-560 002.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, call for the records on the file of the first respondent dated 13.10.2017 confirming the order of dismissal passed by the second respondent in disciplinary proceedings in Ref:MDUC-HRM 3766 2017 dated 05.07.2017, quash the same as illegal and arbitrary, direct the second respondent to reinstate the petitioner with all back wages and all benefits.

For Petitioners : M/s.G.Thilakavathi, Senior Counsel
for M/s.B.Sivaraman

For R1toR4 : Mr.N.Dilipkumar

ORDER

The present writ petition has been filed challenging the order of the first respondent, dated 13.10.2017 confirming the order of the dismissal passed by the second respondent in disciplinary proceedings in Ref:MDUC-HRM 3766 2017 dated 05.07.2017, and to quash the same as illegal and further to direct the second respondent to reinstate the petitioner with all back wages and all benefits.

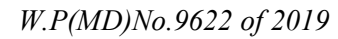
2.Heard M/s.G.Thilakavathi, learned Senior Counsel appearing for M/s.B.Sivaraman, for the petitioner, and Mr.N.Dilipkumar, learned counsel appearing for the respondents.



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3.The learned Senior Counsel for the petitioner would submit that the very order of the disciplinary authority and the appellate authority is perverse in nature, and to demonstrate such perversity, the learned Senior Counsel relied upon the Enquiry Report and would invite the attention of this Court to the date which is captured in the enquiry report under the caption of the enquiry details, where the management relied upon 287 documents and 7 witnesses and had the enquiry only on two days, viz., 17.02.2017 and 03.05.2017. It is in this background, the learned Senior Counsel would submit that the petitioner was not given a reasonable opportunity to go through the documents and he was also not provided with sufficient time to defend the case effectively. It is the further submission of the learned Senior Counsel that the petitioner was not provided any opportunity to make his submission personally and was compelled to proceed with the case through the defense representative. It is the further contention of the learned Senior Counsel that the respondents did not examine any of the complainant and that he was not provided with a copy of the material document qua withdrawal slips. He would also invite the attention of this Court to W.M.P(MD)No.19605 of 2025, wherein he sought a direction for the production of all the withdrawal slips. Therefore, prayed to set aside the order of punishment.



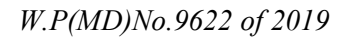
6. While looking at the submissions made on either side, based upon the complaint, the petitioner was issued with an articles of charge on 25.11.2016. After receiving the said charge, the petitioner has submitted his defense. Since the respondent Management have not satisfied with the explanation, they have issued an enquiry notice on 30.12.2016. Though the learned Senior Counsel would submit that the Management, having relied



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upon 287 documents, did not provide sufficient time and provided only two days for enquiry, the same appears to be a contradicting statement in the place of providing time between the preliminary enquiry viz., 23.07.2017 and the regular enquiry on 17.12.2017. It is the specific contention of the respondents that after marking all documents, the petitioner was given sufficient opportunity and such provision of sufficient opportunity could be demonstrated through the proceedings maintained by the enquiry officer. Therefore, the contention of the petitioner that he was not provided with sufficient opportunity to defend himself is factually incorrect and evidently a false statement.

7.The petitioner's another contention is relating to non furnishing of the withdrawal form. But he seeks such document by way of filing of an application before this Court. If really the petitioner had not been furnished with such document during enquiry, nothing prevented him to make a reference before the enquiry authority or before the appellate authority. Even while looking at the grounds of the present writ petition, the petitioner did not raise such a ground in the writ petition. Accordingly, this Court could not find any material from the above contention for consideration.



9. At this juncture, it is appropriate to refer to the following judgment in *B.C. Chaturvedi Vs. Union of India* reported in (1995) 6 SCC 749, the Hon'ble Supreme Court has held as follows. The relevant paragraphs are paragraphs 12 & 18 and the same read as follows:-



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“12. Judicial review is not an appeal from a decision but a review of the manner in which the decision is made. Power of judicial review is meant to ensure that the individual receives fair treatment and not to ensure that the conclusion which the authority reaches is necessarily correct in the eye of the court. When an inquiry is conducted on charges of misconduct by a public servant, the Court/Tribunal is concerned to determine whether the inquiry was held by a competent officer or whether rules of natural justice are complied with. Whether the findings or conclusions are based on some evidence, the authority entrusted with the power to hold inquiry has jurisdiction, power and authority to reach a finding of fact or conclusion. But that finding must be based on some evidence. Neither the technical rules of Evidence Act nor of proof of fact or evidence as defined therein, apply to disciplinary proceeding. When the authority accepts that evidence and conclusion receives support therefrom, the disciplinary authority is entitled to hold that the delinquent officer is guilty of the charge. The Court/Tribunal in its power of judicial review does not act as appellate authority to reappreciate the evidence and to arrive at its own independent findings on the evidence. The Court/Tribunal may interfere where the authority held the proceedings against the delinquent officer in a manner inconsistent with the rules of natural justice or in violation of statutory rules prescribing the mode of inquiry or where the conclusion or finding reached by the disciplinary authority is based on no evidence. If the conclusion or finding be such as no reasonable person would have ever reached, the Court/Tribunal may interfere with the conclusion or the finding, and mould the relief so as to make it appropriate to the facts of each case.

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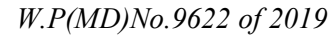
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18. *A review of the above legal position would establish that the disciplinary authority, and on appeal the appellate authority, being fact-finding authorities have exclusive power to consider the evidence with a view to maintain discipline. They are invested with the discretion to impose appropriate punishment keeping in view the magnitude or gravity of the misconduct. **The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, impose appropriate punishment with cogent reasons in support thereof.***

(Emphasis supplied by this Court)

11. In yet another judgment **Deputy General Manager (Appellate Authority) Vs. Ajai Kumar Srivastava** reported in (2021) 2 SCC 612, the Hon'ble Supreme Court held that if the decision is against the natural justice, then the same can be interfered. The relevant paragraphs are paragraphs 25 & 29 and the same read as follows:-

“25. It is thus settled that the power of judicial review, of the Constitutional Courts, is an evaluation of the decision-making process and not the merits of the decision itself. It is to ensure fairness in treatment and not to ensure fairness of conclusion. The Court/Tribunal may interfere in the proceedings held against the



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Through the above judgments, the following principles are emerging:-

(i) *Power of Judicial review is not like an appeal. But such power is meant to ensure that the individual receives fair treatment and to ensure the compliance of natural justice.*

(ii) *The power of judicial review is not like a appellate remedy to substitute its own findings, unless the findings of the Disciplinary Authority and Appellate Authority is perverse and without evidence.*

(iii) *The High Court had no jurisdiction to review the penalty,*



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unless it is shockingly disproportionate.

(iv) Since because there is a possibility to arrive at yet another finding, cannot be a reason to substitute the finding of the disciplinary Authority.

(v) The judicial review is meant only to ensure fairness in treatment and not to ensure fairness of conclusion.

(vi) While exercising the power of judicial review, so long as there is some evidence to support the conclusion arrived at by the departmental authority, the same has to be sustained.

10. Accordingly, the only ground to interfere with the decision of the disciplinary authority and the appellate authority is perversity of finding, incompetency of the authority or failure to follow natural justice. In the present case, though such defense was raised, as discussed hereinabove, there are no traces for such instances. Therefore, this Court does not find any merits in the writ petition.

11. In the result, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also closed.

17.10.2025

Index : Yes/No

Neutral Citation : Yes/No



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C.KUMARAPPAN, J.

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