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W.P.(MD) No.18844 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2025

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.18844 of 2020

and

W.M.P.(MD) Nos.15795 of 2023

Kalyanasundaram

... Petitioner

-vs-

1.The Appellate Authority /
Deputy General Manager
Canara Bank, Head Office
112, J.C.Road, Bangalore-1

2.The General Manager
Canara Bank
Human Resources Management Section
Circle Office, Madurai

3.The Assistant General Manager &
Disciplinary Authority
Canara Bank
Human Resources Management Section
Circle Office, Madurai

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned proceedings bearing Ref.MDUC HRM 991 2019 dated 24.04.2019 issued by the 3rd respondent and further the impugned proceedings dated 23.08.2019 issued by the 1st respondent confirming the order of dismissal issued by the 3rd respondent and quash the same and consequently direct the respondents to disburse his all retirement benefits with attendant benefits along with pensionary benefits within a period fixed by this Court.

For Petitioner : Mr.M.Gnana Gurunathan

For Respondents : Mr.N.Dilip Kumar
Standing Counsel

ORDER

This writ petition has been filed challenging the impugned orders, dated 24.04.2019 passed by the third respondent and dated 23.08.2019 passed by the first respondent, imposing the punishment of dismissal from service against the petitioner.



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above Rs.2 Lakhs was not done as per the prescribed guidelines.”

3. Based on the investigation report obtained by the respondent – Bank, these charges were framed against the petitioner. An Enquiry Officer was also appointed by the respondent – Bank. The petitioner also participated in the enquiry proceedings and had also submitted his explanation. The Enquiry Officer, in his enquiry report, held that the charges framed against the petitioner in the disciplinary proceedings were found to be proved. Based on the enquiry report, the third respondent (Disciplinary Authority) passed the impugned order, dated 24.04.2019, dismissing the petitioner from service. Aggrieved by the same, an appeal was also filed by the petitioner before the first respondent (Appellate Authority) and the first respondent (Appellate Authority) confirmed the order of the Disciplinary Authority by rejecting the appeal through his order dated 23.08.2019. Aggrieved by the impugned orders dismissing the petitioner from service, he has filed this writ petition.

4. The main ground of challenge made by the petitioner to the impugned orders in this writ petition is that even though other employees



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were also involved in the operation of the jewels pledged with the respondent – Bank, the petitioner alone has been imposed with the major punishment of dismissing him from service, while others have been awarded with a lesser punishment. According to the petitioner, he has been selectively discriminated by initiating disciplinary proceedings for the charges framed against him and has been awarded illegally and arbitrarily with the punishment of dismissing him from service. Learned counsel for the petitioner also submits, during his course of arguments, that even though the petitioner was handed over with the possession of the first key for the operation of the jewels pledged with the respondent – Bank by the customers, the Chief Manager, who is the head, is also equally responsible, but he has been awarded with the lesser penalty (minor punishment) and the petitioner has been awarded with the major penalty (major punishment), namely, dismissal from service.

5. A counter affidavit has been filed by the respondents giving the details of the huge financial loss caused to the respondent – Bank due to the serious misconduct of the petitioner, while he was working as Manager in the Theni Branch of the respondent – Bank during the relevant period. As seen



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from the counter affidavit filed before this Court, the respondent – Bank conducted re-appraisal for the entire jewels, which were in the custody of the respondent – Bank and were pledged with them by the customers, between 23.04.2018 to 29.04.2018, when the petitioner was the Manager in the respondent – Bank and was holding the first key to operate the jewels, which were under the custody of the respondent – Bank. As seen from the re-appraisal report dated 23.04.2018 for the period from 23.04.2018 to 29.04.2018, the following discrepancies were found:

- “(a) missing of jewels in 22 jewel packets.*
- (b) spurious jewels in 29 packets.*
- (c) Discrepancies in items and weight in 93 packets.*
- (d) Missing of 140 Gold Loan Applications. (Later found 61 applications in the appraiser's table and the rest of 79 Applications are missing.”*

6. According to the respondents, the above said discrepancies caused a huge financial loss to the respondent – Bank amounting to Rs.408.92 lakhs. The respondents have also categorically contended that the password given to the petitioner was being shared by him with the appraiser and other assistants, which resulted in the above said discrepancies / loss. Since the petitioner is the first key holder, the respondents have contended



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that being a Manager and the first key holder, the Enquiry Officer has rightly held that the charges framed against him in the disciplinary proceedings having been proved, the Disciplinary Authority is also right in awarding the major penalty of imposing a punishment of dismissal from service on the petitioner.

7. Learned Standing Counsel appearing for the respondent – Bank, after reiterating the contents of the counter affidavit filed before this Court, would also submit that there is no discrimination between the petitioner and other co-delinquents of the respondent – Bank to selectively impose a higher punishment on the petitioner.

8. Admittedly, the petitioner is in-charge of the Jewel Loan Section and he is the first key holder. He is also responsible for ensuring compliance of the system and procedures of the respondent – Bank with respect to the jewel loans and double lock guidelines. Admittedly, the petitioner is in possession of the teller password and user ID of the officials of the Theni Branch, where he was working as Manager during the relevant period. A categorical finding has been rendered by the Enquiry Officer based on the



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available materials on record placed before him that the teller password and user ID of the officials of the Branch were shared with the assistants of the appraiser Mr.Vinod in violation of the Bank's guidelines. A categorical finding has also been rendered that the appraiser and his assistants were allowed to have free access to the safe room. As per Clause 26 of the Manual of Instructions on advances against gold jewellery, branches have to verify and ensure that packets of gold ornaments are available in respect of all gold loan accounts outstanding as per the balancing report as of the last Friday of June, September, December and March and furnish a certificate to that effect. The quarterly balancing was not done by the branch as per the extant guidelines. Being the Manager of Theni Branch, necessarily the petitioner ought to have followed the Manual of Instructions in letter and spirit. The Enquiry Officer, in his report, has held that the petitioner had committed various irregularities in the re-appraisal of the jewel loans. The respondents have also contended that not alone the petitioner, there were other employees as well against whom disciplinary proceedings were initiated and it is their categorical contention that the petitioner was not selectively discriminated as claimed by the petitioner in this writ petition.



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9. Only based on the preponderance of probability and only based on the available evidence on record and only due to the fact that the petitioner as the Manager of the Branch and being the holder of the first key and that too when the respondent – Bank had suffered huge loss during the period on account of the negligent handling of the jewels and sharing of passwords to the appraiser and other assistants, the Enquiry Officer has come to the correct conclusion that the petitioner is found guilty of all the charges framed against him in the disciplinary proceedings. The Disciplinary Authority, only based on the enquiry report, has imposed the punishment of dismissing the petitioner from service. The petitioner has not been punished only on account of the single incident, but, as seen from the counter filed by the respondents before this Court, which has also not been rebutted by the petitioner by filing a rejoinder, it was not a single incident of negligence and indifferent mishandling of the jewels, which were in the custody of the respondent – Bank by the petitioner, but, it involves many other cases as well during the period, when the petitioner was working as Manager in Theni Branch of the respondent – Bank. This Court cannot re-appreciate the evidence in a writ petition filed under Article 226 of the Constitution of India that too when the conclusion reached by the authorities cannot be considered to be perverse.



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Only based on the preponderance of probability and only based on the available materials placed on record, the authorities have imposed the punishment of dismissing the petitioner from service.

10. For the foregoing reasons, this Court does not find any merit in this writ petition and the same is, accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.10.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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ABDUL QUDDHOSE, J.

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