



WEB COPY

WA No. 26 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 13-02-2026

PRONOUNCED ON: 25-02-2026

CORAM

**THE HONOURABLE Mr. JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE Mr. JUSTICE C. KUMARAPPAN**

WA No.26 of 2022

1. M.K.Ravivarma(deceased)
R.Gayathri
Flat No.A1, Door No.93,
Shanthiniketan Apartment,
Bazullah Road, T.Nagar,
Chennai 600017.

Appellant(s)

Vs

1. Union Bank Of India
Rep By Its Chairman And Managing
Director, Appellate Authority,
No.239, Vidhan Bhavan Marg,
Nariman Point, Mumbai 400021.

2.Executive Director(disciplinary
Authority)
Union Bank Of India,
No.239, Vidhan Bhavan Marg,
Nariman Point, Mumbai 400021.

Respondent(s)

PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, praying to set



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aside the order dated 31.10.2019 in W.P.No.19387 of 2013 and consequently direct the respondent bank to pay all the arrears of salary from the date of dismissal till the date when the appellants father attains the age of superannuation, pay all the terminal benefits such as Gratuity, Leave Salary, arrears of pension from the date of superannuation till the date of the death, award costs and render justice

For Appellant(s): Mr.Balan Haridas

For Respondent(s): Mr.P.Raghunathan
For M/s. T.S. Gopalan & Co

J U D G M E N T

(Judgment of the Court was made by C.KUMARAPPAN J.)

The present Writ Appeal is filed assailing the order of the learned Single Judge dated 31.10.2019 made in WP.No.19387 of 2013. The appellant as well as the respondents herein were arrayed as the petitioner and respondents respectively before the Writ Court.

2.For the convenience sake, the parties will be referred to according to their litigative status before the Writ Court.



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3. The brief facts which are necessary for disposal of the present writ appeal is that, the petitioner when he was working as Regional Head at Chennai, was issued with the charge memorandum dated 08.09.2007 containing 9 charges. The charges are in the nature of sanctioning loan to the creditors without following the guidelines and thereby, caused huge financial loss to the Bank. He gave explanation to the charge memorandum. Not being satisfied with the explanation, the respondents proceeded with the domestic enquiry, and after completing the enquiry, the Enquiry Officer submitted a report on 17.03.2009. According to the Enquiry Report, the charges 1 to 5 and 9 were proved and other charges were not proved. The petitioner has submitted his further explanation to the enquiry report. However, he was imposed with the capital punishment of dismissal from service vide order dated 26.02.2010. Aggrieved with the same, he preferred an appeal before the Appellate Authority. However, even, the Appellate Authority confirmed the order of the Disciplinary Authority vide his order dated 03.01.2013. Aggrieved with the said order, when the petitioner preferred a Writ Petition, vide impugned order dated 31.10.2019, the learned Single Judge dismissed the same. Not satisfying with the order of the learned Single Judge, the present Writ Appeal is filed.



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4. Heard Mr. Balan Haridas, learned counsel for the appellant, and Mr. P. Raghunathan, learned counsel for the respondents.

5.(a). The learned counsel for the appellant/petitioner would vehemently contend that the findings of the Enquiry Officer has no clarity and even according to the enquiry report, in respect of charges 1 to 5, no exclusive finding of guilt against the petitioner. It is the further submission of the learned counsel for the petitioner that on a similar set of charges, another person in the cadre of Branch Manager was prosecuted. But, though he was instrumental for all the loss to the Bank, he was awarded with the lesser punishment of compulsory retirement, whereas the petitioner was imposed with the capital punishment of dismissal from service, which act according to the petitioner is a discrimination.

(b). The learned counsel would further contend that according to Union Bank of India Officer Employees' (Discipline and Appeal) Regulations, 1976, the Appellate Authority, shall on receipt of comments and records has to consider whether the penalty is excessive or inadequate. Whereas, in the case in hand, the Appellate Authority, while passing the order on 03.01.2013 has



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not followed the above Regulations. Therefore, the very order impugned in the writ petition is *ipso facto* illegal. Notwithstanding the above contention, the learned counsel would also urge before this Court that the petitioner having served unblemishedly for more than two decades, on the fag end of his service, imposing a punishment of dismissal is disproportionate and the same requires modification by exercising the mercy jurisdiction. In support of his contention, he relied upon the following judgments:-

- 1. *Man Singh Vs. State of Haryana and others* reported in (2008) 12 SCC 331;**
- 2. *Lucknow Kshetriya Gramin Bank Vs. Rajendra Singh* reported in (2013) 12 SCC 372;**
- 3. *Naresh Chandra Bhardwaj Vs. Bank of India and others* reported in (2019) 15 SCC 786;**
- 4. *Principal Secretary to Government and others Vs. K.R.Palanisamy* reported in 2021 SCC OnLine MAD 2850;**
- 5. *General Manager Personnel Syndicate Bank and others Vs. B.S.N.Prasad* reported in (2025) 3 SCC 601.**

6. *Per contra*, the learned counsel for the respondents would contend that though the enquiry report has referred about the shared responsibility for few charges, that by itself will in no way give any benefits to the petitioner,



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as the Enquiry Officer ultimately held that the charges are proved. It is his further submission that by the conduct of the petitioner in not protecting the interest of the Bank, and failure to discharge his duty with utmost honesty and integrity and the lack of devotion to duty, has caused huge loss to the Bank. Therefore, the petitioner deserves no leniency. The learned counsel would further contend that the findings of the Enquiry Officer, as well as order of the Appellate Authority are well merited, and were given based on the available materials. Therefore, the question of interference against the order does not arise. It is the further submission of the learned counsel that the parity for punishment sought by the petitioner is misconceived as the prime responsibility for the loss to the Bank is with the petitioner. Hence, prayed to dismiss the writ appeal.

7. We have anxious consideration to either side submissions.

8. Before we delve into the merits of the matter, it is appropriate to define the contours of judicial review:-

(a). The power of judicial review is very much limited and can be exercised with great care and caution.



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(b).The judicial review is not like an appellate remedy to re-appreciate the evidence, however, such power is meant to ensure that whether the individual receives fair treatment and the compliance of natural justice and not the fairness of the conclusion.

(c).While exercising the power of judicial review, the Writ Court cannot substitute its own finding unless the findings of the authorities are perverse and without evidence.

(d).The Writ Court had no jurisdiction to review the penalty unless the same is shockingly disproportionate.

(e).The mere possibility to arrive at yet another finding cannot be a reason to substitute the finding of the Disciplinary Authority.

(f).While exercising the power of judicial review, so long as there is some evidence to support the conclusion of the Original Authority, the same has to be sustained.

In this regard, it is useful to refer the judgments of the Hon'ble Supreme Court in (i). *B.C.Chaturvedi Vs.Union of India* reported in (1995) 6 SCC 749, (ii).*Deputy General Manager (Appellate Authority) Vs. Ajai Kumar Srivastava* reported in (2021) 2 SCC 612 and (iii) *The Indian Oil Corporation & Ors., Vs. Ajit Kumar Singh & Anr.*, reported in 2023 *LiveLaw (SC)* 478.



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9. Now let us proceed with the facts of the present case in the backdrop of the above settled legal principles. The main thrust of the petitioner's argument is in respect of the findings rendered by the Enquiry Officer in respect of charges 1, 2, 4 and 5. While looking at the Enquiry report, as rightly contended by the learned counsel for the petitioner, though the Enquiry Officer has held that charges are proved, according to the Enquiry Officer's finding, the petitioner had shared guilt along with the other delinquents. No doubt the Enquiry Officer, while concluding against the delinquent has referred so. But, such reference will in no way be beneficial to the petitioner, as the Enquiry Officer has ultimately found the petitioner guilty. While looking at the findings rendered by the Enquiry Officer, there is abundant evidence against the delinquent. To put it differently, the findings cannot be stated as without evidence. Therefore, the petitioner cannot take advantage of the Enquiry Officer's reference about the shared responsibility. Therefore, we are of the firm view that there is no perversity in the findings rendered by the Enquiry Officer.

10. However, coming to the next limb of the arguments in respect of the parity of punishment, it is the contention that the very reference of shared



responsibility refers about one Mr.Arjunan, who was the Manager then, and who recommended sanctioning of the loans and that only based upon his recommendation, the delinquent being the higher Officer, has sanctioned the loan. Whereas, the main delinquent qua Mr.Arjunan was let off with the punishment of compulsory retirement, but, this petitioner was imposed with a capital punishment of dismissal from service. Though the above argument appears to be attractive, while looking at the facts of the case, it is the specific charge that this petitioner even prior to sanctioning of loan, was put on notice about certain irregularities in the prior sanctioning of the subject loans. In spite of intimation of the Audit Department, the petitioner appears to have sanctioned/enhanced the packing credit loan.

11.At this juncture, it is appropriate to refer that there was no joint enquiry for the Manager Mr.Arjunan and this petitioner. The said Mr.Arjunan is a Branch Manager, whereas this petitioner was the Regional Head. Their duties and responsibilities are different. Even in a joint trial, if the duties and responsibilities of a co-delinquent is different from other, then the authorities are competent to impose different punishment. In the case in hand, by the negligent conduct of the petitioner, the Bank suffered a huge financial loss.



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Further, he being Regional Head, his duties and responsibilities are distinct from the other person. Therefore, the petitioner cannot seek any parity in punishment. In this regard, it is appropriate to refer the judgment of the Hon'ble Supreme Court in ***Damoh Panna Sagar Rural Regional Bank and another Vs. Munna Lal Jain*** reported in ***(2005) 10 SCC 84***.

12. Though the learned counsel for the petitioner refers about various judgments to support his stand, all those judgments are in respect of equality in awarding punishment, and it's proportionality and quantum. We absolutely do not have any grievance in respect of the ratio laid down in those judgments. But, we only find that there is no scope for us to apply the above ratio in the instant case, as the facts of the instant case is altogether different from the facts of the above reported cases.

13. The yet another submission put forth by the learned counsel for the petitioner is that, the Appellate Authority did not follow the Regulation 16.4. According to the learned counsel for the petitioner, though he has given various grounds for reconsideration of the findings of the Original Authority, more specifically in respect of the punishment, the Appellate Authority did



not go into the same according to the true spirit of Regulation 16(4). We are not in a position to agree with the above submissions upon the reasons stated infra.

14.While harmoniously reading the order of the Appellate Authority, the Appellate Authority has considered all those aspects and has confirmed the punishment imposed by the Disciplinary Authority, more specifically after considering the gravity of charges, which factum was recorded by the Appellate Authority in his order. Therefore, we do not find any merits in the above submissions.

15.Apart from the above submissions, the learned counsel for the petitioner made a feeble attempt for exercising of mercy jurisdiction and in this regard, the learned counsel relied upon the Division Bench judgment in *WA.No.387 of 2024 [The General Manager Vs. The Presiding Officer]*, in which one of us was the party to the judgment [C.KUMARAPPAN, J]. Here again the facts of the above referred judgment is not applicable to the present facts and circumstances of the case. In the above case, the delinquent has right through admitted his mistake, and that he was a person risen through



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ranks. More specifically, in the reported case, the Department itself has initially closed the charge and subsequently, reopened. Only upon the above peculiar circumstances, this Court confirmed the modification given by the Tribunal. Accordingly, the above precedents is not applicable to the instant case.

16. In view of the above detailed discussion, we are of the firm view that the petitioner could not make out any case to deviate from the findings of the learned Single Judge.

17. Accordingly, we do not find any merits in the present Writ Appeal, and this Writ Appeal stands dismissed. No costs.

(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)
25-02-2026

Index: Yes
Speaking order
Internet: Yes
Neutral Citation: Yes
kmi



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To
1.Union Bank Of India
Rep By Its Chairman And Managing
Director, Appellate Authority, No.239,
Vidhan Bhavan Marg, Nariman Point,
Mumbai 400021.

2.Executive Director (disciplinary
Authority)
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AND
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Pre-Delivery Judgement
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