



W.A(MD) No.361 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 04.02.2026

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

W.A(MD) No.361 of 2023

S.Raghu Ram

... Appellant

Vs.

- 1.The Managing Director,
Indian Bank,
Avvaishanmugam Salai,
Rayapett,
Chennai-14.
- 2.The General Manager / Reviewing Authority,
Indian Bank,
Avvai Shanmugam Salai,
Rayapett,
Chennai 14.
- 3.The Deputy General Manager / Appellant Authority,
Indian Bank,
Avvai Shanmugam Salai,
Rayapett,
Chennai 14.
- 4.The Assistant General Manager / Disciplinary Authority,
Indian Bank,



W.A(MD) No.361 of 2023

Zonal Office,
9, Gandhi Road,
Erod.

5.The Chief Manager / Inquiry Authority,
India Bank,
Zonal Office,
Salem.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent praying this Court to set aside the order dated 16.02.2023 passed in W.P. (MD)No.7522 of 2020 on the file of this Court.

For Appellant : Mrs.Porkodi Kannan
for M/s.Polax Legal Solutions

For Respondents : Mr.N.Dilipkumar

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

The appellant herein was appointed as Probationary Officer in the Indian Bank in the year 2013. He was visited with a charge memo dated 29.07.2017 containing as many as 5 articles of charge. They are as follows:-

“1. That you have made 15 credit entries in your S.B. Account from various customer's account amounting to Rs.6.87 lakhs, which transactions are entered by yourself and relevant vouchers are missing.



W.A(MD) No.361 of 2023

Thereby the amounts are transferred without the consent of the account holders.

2. That you have made abnormal debit and credit transactions in the staff accounts of various branches, through your S.B.Account No. 604894479. The total amount involved in the transactions are Rs.10.87 Lakhs (Debit-5.33 lakhs and Credit-5.54 Lakhs)

3. That you have not followed the laid down system and procedures of our bank,

a) You have made many debit and credit transactions from your S.B.account to various customer's account and the volume of such transaction amounts to Rs.18.49 lakhs. (Debit 10.28 lakhs and Credit 8.21 lakhs)

b) You have made 3 credit entries to the borrower loan accounts from your S.B.account amounting to Rs.10,425/-.

4. That you have deposited Rs.8.84 lakhs by cash in your savings Bank account No.604894479 during the period from 08.11.2015 to 15.11.2016 as listed in the charge sheet.

5. That you have closed STD account No.6385771754 of pattukottai branch without getting transfer of the said deposit account to your branch from Home branch, and you have failed to obtain the discharged deposit receipt from the depositor.”

2. Enquiry was conducted and the enquiry officer rendered a finding that the charges stood established. After getting delinquent's further representations, the disciplinary authority imposed the punishment of removal from service vide order dated 20.08.2018.



W.A(MD) No.361 of 2023

Questioning the same, the appellant filed appeal as well as the review.

The delinquent was unsuccessful. Challenging the dismissal orders, W.P. (MD)No.7522 of 2020 was filed. The learned single Judge vide order dated 16.02.2023 dismissed the writ petition. Challenging the same, this writ appeal has been filed.

3. The learned counsel appearing for the appellant reiterated all the contentions set out in the grounds of appeal and called upon this Court to interfere in favour of the appellant.

4. Per contra, the learned standing counsel for the Bank strongly submitted that interference with the impugned order is not warranted. He pointed out that the appellant as a branch manager of the bank ought to have adhered to the highest bank protocols. The evidence on record would clearly indicate that the appellant had conducted the banking business in an arbitrary and whimsical manner. It is also beyond dispute that the appellant has taken amount from the customer's account without explicit authorisation. For instance, without getting indemnity bond as well as the original deposit receipt, their accounts had been closed and



W.A(MD) No.361 of 2023

amounts withdrawn. Such conduct had exposed the bank to grave risk and claims from the customers. Since the bank had faced such prospect, the action of the appellant will have to be viewed very seriously. He submitted that in such cases, the writ Court ought not to show any misplaced sympathy. He called upon this Court to sustain the impugned order and dismiss the writ appeal.

5. We carefully considered the rival contentions and went through the materials on record.

6. Even though the charges are five in number and all of them were held to have been proved, it is seen that the Bank had not suffered even a paise toward loss on account of the acts committed by the appellant. It is also seen that no complaint was received from any customer against the appellant. When these twin facts stare at one's face, we are of the view that imposing the punishment of removal from service is rather disproportionate. The appellant was removed from service in the year 2018. We are now in 2026.



W.A(MD) No.361 of 2023

WEB COPY

7. The learned counsel for the appellant on instructions from the appellant states that the principle of “No Work No Pay” can be applied and that the appellant will not press any claim for backwages. At the same time, we have to concur with the stand of the learned standing counsel that the appellant had not followed the bank protocols while conducting the banking business. Therefore, the appellant will have to be visited with some punishment.

8. The writ Court will not be justified in substituting its own opinion. We, therefore, remand the matter to the disciplinary authority for fresh consideration as regards imposing a fresh punishment. We make it clear that the appellant cannot be visited with the punishment that would make him leave the banking service. Any other lesser punishment alone can be imposed, so that the appellant continues to serve the bank. Since the appellant has already been denied the backwages for a period of more than eight years, this aspect shall be taken into account by the disciplinary authority. Decision in this regard shall be taken within a period of 8 weeks from the date of receipt of a copy of this order.



W.A(MD) No.361 of 2023

WEB COPY 9. The impugned order is set aside. The Writ Appeal is partly allowed. No costs.

(G.R.S., J.) (R.K.M., J.)
04.02.2026

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W.A(MD) No.361 of 2023

G.R.SWAMINATHAN, J.
AND
R.KALAIMATHI, J.

rmi

W.A(MD) No.361 of 2023

04.02.2026