

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.29252 of 2015

And

M.P.Nos.1 to 3 of 2015

R.Prabhu

...Petitioner

Vs.

1 The Deputy General Manager
H.R.D.Department The Lakshmi Vilas Bank
Corporate Office Chennai-32

2 The Branch Manager
The Lakshmi Vilas Bank Annur Branch
Coimbatore District

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for entire records of the order of dismissal passed by the 1st respondent in LVB/ 10-09/202/ 2015-16 dated 12.8.2015 and quash the same.

For Petitioner : Mr.S.Saravanan

For Respondents : No Appearance

O R D E R

The petitioner while working as a Clerk in the services of the respondent Bank, was involved in the commission of the offence punishable under Sections 417 and 506(ii) of I.P.C., for having developed an affair with the victim who was examined as P.W.1 in C.C.No.180 of 2015 on the file of the Court of Judicial Magistrate/ Additional Mahila Court, Coimbatore. The Trial Court after completing the trial has convicted him for the offence punishable under Section 417 of I.P.C. and sentenced him to undergo rigorous

imprisonment for a period of six months and fine of Rs.500 with default sentence of one month. The petitioner aggrieved by the sentence filed appeal on the file of the Court of Principal District and Sessions Judge, Coimbatore and got suspension of sentence of imprisonment vide order dated 10.08.2015 made in Crl.M.P.No.2267 of 2015 and thereafter submitted a representation. The disciplinary authority taking note of the said conviction, has dismissed him from service vide order dated 12.08.2015 and the petitioner has submitted a representation dated 27.08.2015 for setting aside/ revoking the order of dismissal from service and to provide him with employment and since no orders have been passed, came forward to file this writ petition.

2.The learned counsel appearing for the petitioner would submit that since the substantive sentence of imprisonment has been suspended by the lower court, the petitioner is entitled to reinstatement in service.

3.This Court has considered the submission made by the learned counsel appearing for the petitioner and also perused the materials placed before it.

4.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner in this writ petition, directs the first respondent to consider and dispose of the petitioner's representation dated 27.08.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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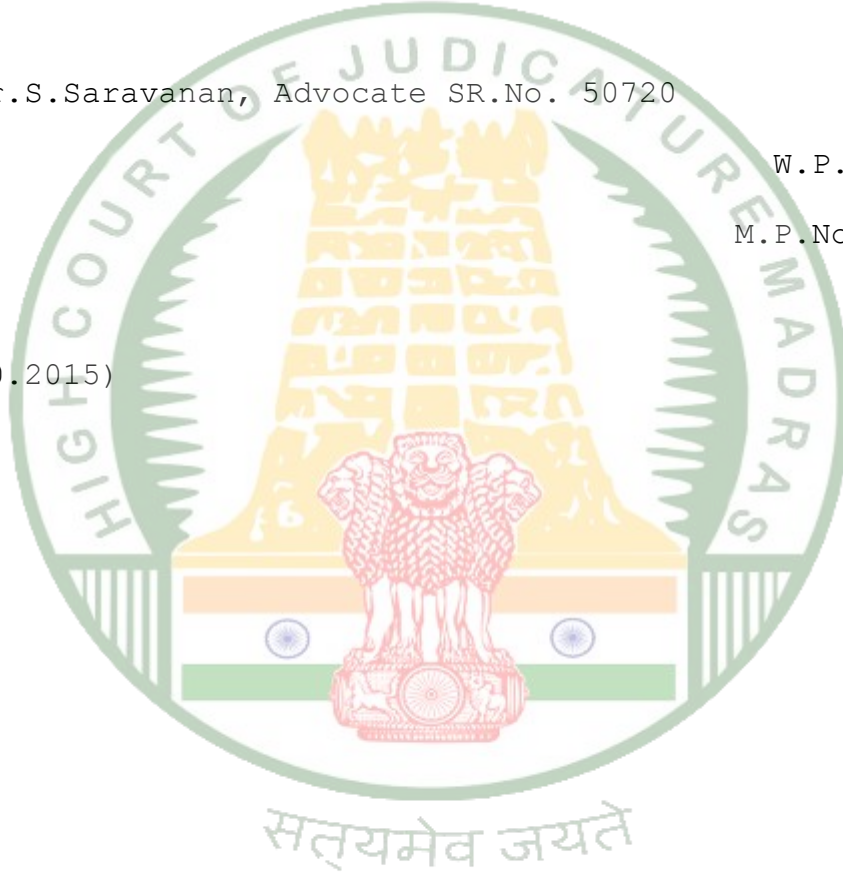
To

- 1 The Deputy General Manager
H.R.D.Department The Lakshmi Vilas Bank
Corporate Office Chennai-32
- 2 The Branch Manager
The Lakshmi Vilas Bank Annur Branch
Coimbatore District.

1 CC to Mr.S.Saravanan, Advocate SR.No. 50720

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KJI (CO)
PSI (05.10.2015)



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