

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Writ Petition No.33216 of 2015

&

M.P.No.1 of 2015

N.Krithika

...Petitioner

Vs.

1. The City Union Bank Ltd.
rep. by its Managing Director & CEO
City Union Bank Limited
"Narayana" 24-B, Gandhi Nagar,
Kumbakonam.

2. Mr.R.Venkatasubramanian
Senior General Manager,
City Union Bank Limited
"Narayana" 24-B, Gandhi Nagar,
Kumbakonam.

...Respondents

PETITION under Article 226 of The Constitution of India
praying for issuance of Writ of Mandamus directing the first
respondent Bank to pay the petitioner a sum of Rs.8,40,340/-
towards arrears of salary, ex-gratia and amount of privilege
leave encashment.

For Petitioner : Mr.J.Nandagopal

For Respondents : Mr.A.Muthukumar

O R D E R

By consent, the Writ Petition is taken up for final
disposal.

2. The petitioner joined the services of the first respondent Bank on 02.06.1988 and worked in various places. Between 22.7.2013 and 13.6.2014, the petitioner had worked as Branch Manager at Mannargudi Branch and claims that she rendered services sincerely and without any blemish to the satisfaction of her superiors. The petitioner would further state that with regard to the alleged mistake committed by the second line staff, the respondent harassed her very much and unable bear with the same, she was forced to resign her job on 28.11.2013, though she had a remaining period of 10 years of service. However, the said resignation letter was not accepted by the respondents. Subsequently, the respondents, vide letter dated 06.03.2015, relieved her from service from 13.6.2014. The petitioner would further state that while she was in service, applied for medical leave for a period of 6 months from 14.06.2014 and further extension of leave for six months from 15.12.2014. Though she submitted leave letters in that regard, no orders have been passed and therefore, she claims that she deemed to be in service and hence, claims that salary for the period of 12 months from 01.07.2014 to 20.06.2015 amounting to Rs.6,79,308/- is due and payable. The petitioner would further claim that she is entitled to ex-gratia of Rs.80,000/- and also encashment of privileged leave of 46 days, amounting to Rs.81,032/- and in this regard, submitted a representation dated 04.08.2015 to the first respondent. Since no orders have been passed, the petitioner came forward to file this Writ Petition.

3. Learned counsel appearing for the petitioner would submit that though the first respondent bank is a private entity, the statutory dues that are due and payable to the petitioner has not been paid and therefore, the Writ Petition is maintainable and prayed for disposal of the representation submitted by her.

4. This Court heard the submissions of Mr.A.Muthukumar, learned counsel, who accepts notice on behalf of the respondents.

5. This Court, taking into consideration the limited scope of the prayer sought by the learned counsel appearing for the petitioner on instructions and without going into the merits of the claim projected by the petitioner either in this Writ Petition or in the representation submitted by her, directs the first respondent to consider the representation of the petitioner dated 04.08.2015 and pass

orders on merits and in accordance with law 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.

The Writ Petition is disposed of accordingly. No costs. Consequently, M.P.No.1 of 2015 is closed.

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15.10.2015

This matter having been listed on 08.06.2016 for being mentioned in pursuance of Order dated 15.10.2015 and made herein and in the presence of the aforesaid counsel on either side, the Court made the following Order:-

This case is listed today under the caption "For Being Mentioned" at the instance of the first respondent, who submitted that they never gave instructions to learned counsel Mr.A.Muthukumar, who appeared on behalf of them in this writ petition, and prayed for appropriate orders.

2. Mr.A.Muthukumar, whose appearance entered on behalf of the first respondent, submitted that he was never instructed to appear by the first respondent Bank in this writ petition.

3. Mr.J.Nandagopal, learned counsel for the petitioner submitted that in compliance of the order, the first respondent has passed an adverse order, which is also the subject matter of challenge in W.P.No.12253 of 2016.

4. In the light of the said submission, it is to be clarified that learned counsel Mr.A.Muthukumar did not enter appearance on behalf of the first respondent.

5. However, in the light of the subsequent development, no further orders need to be passed in this writ petition.

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08.06.2016

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

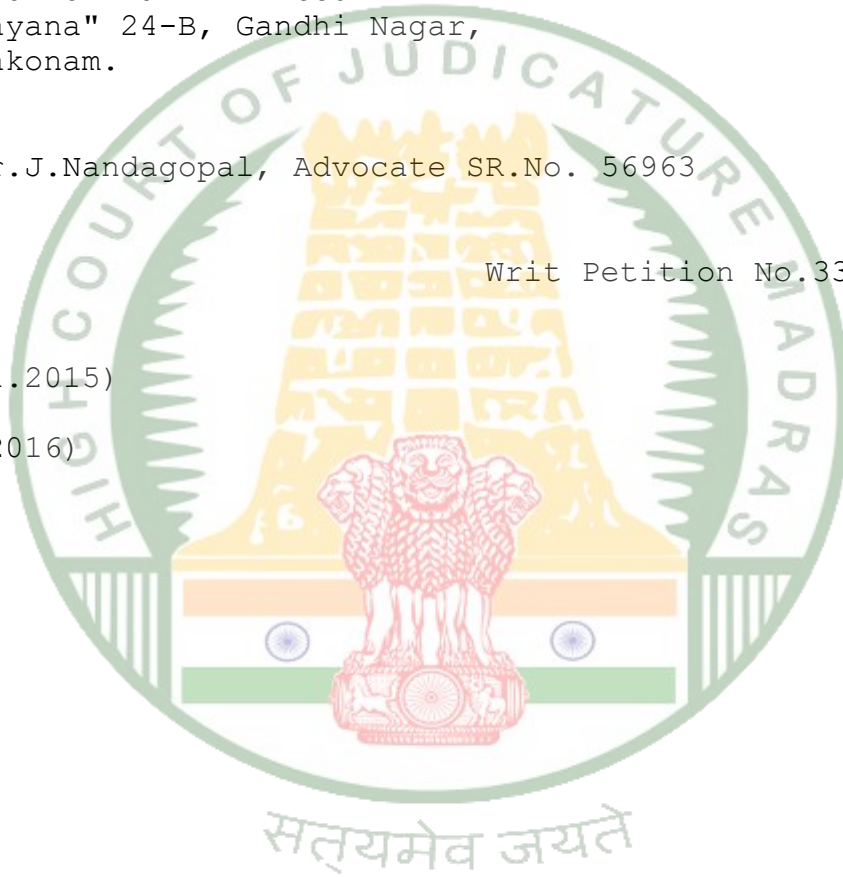
1. Managing Director & CEO
The City Union Bank Ltd.
City Union Bank Limited
"Narayana" 24-B, Gandhi Nagar,
Kumbakonam.
2. Senior General Manager,
Mr.R.Venkatasubramanian
City Union Bank Limited
"Narayana" 24-B, Gandhi Nagar,
Kumbakonam.

1 CC to Mr.J.Nandagopal, Advocate SR.No. 56963

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KM (CO)
PSI (02.11.2015)

CA(17.06.2016)



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