



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2015

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

W.A.(MD)No.767 of 2015
and
M.P.(MDNO.1 OF 2015

S.Jeyaramalingam ... Appellant / Petitioner

Vs

1.The Chief Regional Manager,
Indian Overseas Bank,
Plot No.40, 80 Feet Road,
Anna Nagar, Madurai - 20.

2.The Branch Manager,
Indian Overseas Bank,
Sevalpatti, Sattur Taluk
Virudhunagar District.

... Respondents / Respondents

PRAYER:

The Writ Appeal is filed under Clause 15 of the Letters Patent Act, to set aside the order passed in W.P.No.7658 of 2015, dated 30.04.2015, and allow the above Writ Appeal.

PRAYER: WP(MD)NO.7658/2015

Writ Petition is filed Under Article 226 of the constitution of India praying this court for the issuance of a writ of mandamus forbearing the respondents from preventing the petition to discharge his duty as jewel Appraiser in the 2nd respondent bank.

For Appellant : Mr.V.Panneer Selvam
of M/S C.S Associates

JUDGMENT

(Order of this Court was made by S.MANIKUMAR, J.)

Appellant has sought for a Mandamus, forbearing the respondents from preventing him from discharging his duty, as Jewel Appraiser, in Indian Overseas Bank, Sevalpatti, Sattur Taluk, Virudbhunagar District.

2. Adverting to the above said prayer, the Writ Court, vide order dated 30.04.2015, at Para No.3, has ordered as follows:-



"3.The prayer in the Writ Petition is that the petitioner should not be prevented from discharging his duty as Jewel Appraiser by the respondent bank. It is an admitted case that the petitioner's service has been divested and if there is any non-employment, the only remedy available to him is to raise Industrial Dispute and the relief sought for by the petitioner cannot be granted by this Court. That apart, the issue whether the petitioner, a Jewel Appraiser, is a workman or not has to be adjudicated and decided by the appropriate industrial forum. Hence, this Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed."

3. Though Mr.V.Paneer Selvam, learned counsel for the appellant reiterated the prayer sought for, no such Mandamus can be granted, for the reasons recorded by the writ Court. Hence, the Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(writ)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Chief Regional Manager,
Indian Overseas Bank,
Plot No.40, 80 Feet Road,
Anna Nagar, Madurai - 20.

2.The Branch Manager,
Indian Overseas Bank,
Sevalpatti, Sattur Taluk
Virudhunagar District.

+CC TO M/S C.S.ASSOCIATES SR NO:39609

mpk

JAM:31.7.2015/2P-4C

W.A. (MD) No.767 of 2015
16.07.2015