



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.07.2015

C O R A M

WEB COPY

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

Writ Petition (MD) No.12458 of 2011

and

M.P.(MD) Nos.1 and 2 of 2011

P.Gunasekaran

... Petitioner

Vs

1.The Deputy General Manger (IR),  
Union Bank of India, Central Office,  
239, Vidhan Bhavan Marg,  
Mumbai-21.

2.The Assistant General Manager (IR),  
Union Bank of India, Central Office,  
239, Vidhan Bhavan Marg,  
Mumbai-21.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned orders of the second respondent in Memo No.CO:IRD:730:2011, dated 31.01.2011 and the impugned order of the first respondent in Memo No.CO:IRD:5521:2011, dated 26.09.2011 and quash the same and consequently directing the respondents to reinstate the petitioner into service with arrears of salary and all other monetary attendant benefits.

For Petitioner ... Mr.Veera Kathiravan

For Respondents ... Mr.R.P.Ramachandran

**O R D E R**

This Writ Petition has been filed, praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned orders of the second respondent in Memo No.CO:IRD:730:2011, dated 31.01.2011 and the impugned order of the first respondent in Memo No.CO:IRD:5521:2011, dated 26.09.2011 and quash the same and consequently directing the respondents to reinstate the petitioner into service with arrears of salary and all other monetary attendant benefits.

2.Heard the learned Counsel for the petitioner and the learned Counsel appearing for the respondents.

<https://hcservices.ecourts.gov.in/hcservices>  
3.The petitioner has come forward with the aforesaid prayer. Admittedly, the petitioner has got an alternative remedy in terms of Regulation 18 of Union Bank of India Officer Employees' (Discipline and



Appeal) Regulations, 1976, which is extracted as follows:

"18. The Inquiring Authority may after the completion of the production of evidence, hear the Presenting Officer, if any; appointed and the Officer Employee, or permit them to file written briefs of their respective case within 15 days of the date of completion of the production of evidence if they so desire."

4. This similar issue can be considered by the Allahabad High Court in **Kailash Prasad Verma (K.P.Verma) Vs. Union Bank of India, Mumbai and Others** reported in **2010-III-LLJ-365 (All)** and held as follows:

"In view of the alternative remedy of review available to the petitioner under the aforesaid Regulation, we are not inclined to exercise our writ jurisdiction under Article 226 of the Constitution of India.

Writ Petition is accordingly dismissed on the ground of availability of alternative remedy to the petitioner."

5. Since the similar issue has been considered in the aforesaid decision and the petitioner's request in that case is rejected, this Court is of the view that since the petitioner has got alternative remedy, he is entitled to prefer a review within a period of one month from the date of receipt of a copy of this order. On such filing of review petition, the Reviewing Authority shall consider the same on merits and in accordance with law within a period of two months from the date of filing of that review petition, after giving an opportunity of being heard to the petitioner.

6. With the above observations, the Writ Petition shall stand disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Deputy General Manager (IR), Union Bank of India, Central Office,  
239, Vidhan Bhavan Marg, Mumbai-21.

2. The Assistant General Manager (IR), Union Bank of India, Central Office,  
239, Vidhan Bhavan Marg, Mumbai-21.

+1cc to M/S. Veerakathiravan, Advocate in SR.No 38948

+1cc to M/S.R.P.Ramachanthiran, Advocate in SR.No 38772

TS/28.07.2015/2P - 5C

Writ Petition (MD) No.12458 of 2011  
and  
M.P. (MD) Nos.1 and 2 of 2011