BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2016

C O R A M

THE HONOURABLE Dr.JUSTICE **S.VIMALA**

Writ Petition (MD) No.18476 of 2016
and
W.M.P.(MD)No.13315 of 2016

PON.ARUMUGAM .. Petitioner

Vs.

1. JOINT REGISTRAR/MANAGING DIRECTOR,
   TIRUNELVELI DISTRICT CENTRAL CO OPERATIVE BANK LTD.,
   TIRUNELVELLI.

2. GENERAL MANAGER,
   TIRUNELVELI DISTRICT CENTRAL CO OPERATIVES
   BANK LTD., TIRUNELVELI.

3. BRANCH MANAGER,
   TIRUNELVELI DISTRICT CENTRAL CO OPERATIVE
   BANK LTD., TIRUNELVELI JUNCTION .. 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 order of suspension made by the 1st respondent in Na.Ka.H.L.A 17/97/B18 dated 11.02.2016 and quash the same as illegal and to pass consequential direction to the 1st Respondent to revoke the suspension order and to reinstate the petitioner in his regular post as Sub Staff of Tirunelveli District Central Co operative Bank Ltd., Tirunelveli Junction Branch with all perquisites.

For petitioner ... Mr.S.R.Anbarasu

For Respondents ... Mr.D.Shanmuga Raja Sethupathi

<u>O R D E R</u>

This is a writ of Certiorarified Mandamus to call for the records relating to the impugned order, dated 11.02.2016 and to quash the same as illegal and to pass a consequential direction to the first respondent to revoke the suspension order and to reinstate the petitioner in the regular post.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The facts and circumstances leading to the filing of the writ petition run as under:-

(i)The petitioner is a Sub-staff attached to Tirunelveli District Central Co-operative Bank and he had been functioning from 13.01.1993. The petitioner obtained a loan from the respondents bank to purchase a house and according to the terms and conditions, the repayment period was 20 years and he had been debiting the amount continuously without any break. During 2004, the petitioner sold the property, which is under mortgage to the bank.

(ii)Even though the same was effected in the year 2004, after a lapse of 12 years, the petitioner was suspended by the first respondent on the allegation that he has caused loss to the bank.

(iii)It is not in dispute that petitioner had created an equitable mortgage to the bank by depositing the original documents pertaining to the house, in respect of which, loan has been sanctioned. Therefore, the charge has been created in respect of the property, in favour of the bank.

4.It is the contention of the learned counsel for the petitioner that the suspension is a prolonged one and the suspension is being extended without assigning any reason.

5.A perusal of the typed set of papers would go to show that the suspension order has been issued on 11.02.2016 and it is being extended from time to time i.e. on 11.03.2016; 06.04.2016 and 10.05.2016 etc. The charge memo itself has been issued on 10.06.2016. An enquiry officer has been appointed by order, dated 10.08.2016.

6.The learned counsel for the petitioner would submit that the enquiry officer appointed is suspected to have some close connections with the respondents and therefore, some panel lawyer appearing for the bank should be appointed as an enquiry officer and to this effect request is pending.

7.The learned counsel for the respondents submitted that he would persuade and make the bank agreeable to change the enquiry officer by appointing some panel lawyer, as enquiry officer.

8.On the request of change of enquiry officer being considered, from the date of appointment of enquiry officer, enquiry shall be completed within six weeks. If the enquiry is not completed within six weeks, then the revocation of suspension shall be considered positively.

9.The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (P&A)

/True copy/

Sub Assistant REgistrar

To

1. THE JOINT REGISTRAR/MANAGING DIRECTOR,
TIRUNELVELI DISTRICT CENTRAL
CO OPERATIVE BANK LTD.,
TIRUNELVELLI.

2. THE GENERAL MANAGER,
TIRUNELVELI DISTRICT CENTRAL CO OPERATIVES
BANK LTD., TIRUNELVELI.

3. THE BRANCH MANAGER,
TIRUNELVELI DISTRICT CENTRAL CO OPERATIVE
BANK LTD., TIRUNELVELI JUNCTION.

+1cc to MR.D.SHANMUGARAJA SETHUPATHI, ADVOCATE SR.No. 56726
+1cc to Mr.S.R.ANBARASU,ADVOCATE SR.No. 56333

RJ2
JA-GSV-PM-13.10.2016/3P:6C

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