



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD)No.22189 of 2016

and

W.M.P(MD)Nos.15898 and 15899 of 2016

K.Manimaran

... Petitioner

vs.

1)The Deputy General Manager (B & O),
(Appellate Authority),
State Bank of India,
(H.R Section) Network-2, Administrative Office,
Madurai Cluster, 'MADHURAM' Complex,
No.2, Dr.Ambedkar Road,Madurai-625 002.

2)The Regional Manager, RBO-I &
Disciplinary Authority,
State Bank of India (Disciplinary Proceedings Cell),
Network-2, Administrative Office,
Madurai Cluster, 'MADHURAM' Complex,
No.2, Dr.Ambedkar Road,Madurai-625 002.

3)The Chief Manager,
State Bank of India,
Tallakulam Branch
No.2, Dr.Ambedkar Road,
Madurai-625 002.

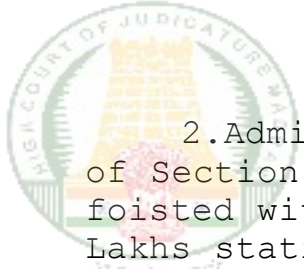
...Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order Ref.DGM/HR/APPEAL/254 dated 14.10.2015 on the file of the Respondent No.1 and quash the same as illegal and consequently to direct the Respondent No.1 to reinstate him in service of the Bank with consequential benefits.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents	: No appearance

ORDER

The petitioner has sought for a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Ref.DGM/HR/APPEAL/254, dated 14.10.2015, on the file of the 1st respondent and quash the same as illegal, and consequently, to direct the 1st respondent to reinstate him in service of the Bank with consequential benefits.



2. Admittedly, the petitioner is a 'workman' within the meaning of Section 2(s) of the Industrial Disputes Act, 1947. He has been foisted with the charge of misappropriation to the tune of Rs.6.83 Lakhs stating that he had caused financial loss to the bank to the said extent, due to his negligence and that charge sheet has been issued in terms of the Memorandum of Settlement dated 10.04.2002. According to the petitioner, the persons, who were involved in the charge, have been let off with minor punishments and that he alone has been taken to task and foisted with the punishment of removal from service in terms of paragraph 6(b) of the Memorandum of Settlement dated 10.04.2002. The petitioner's Appeal filed against the order of removal was also dismissed by the 1st respondent through the impugned order, confirming the punishment of removal from service. Challenging the said order, this Writ Petition has been filed.

3. Taking note of the fact that the petitioner being workman, within the meaning of Section 2(s) of the Industrial Disputes Act, 1947, he has got effective alternative remedy under the Industrial Disputes Act, this Court is not inclined to entertain this writ petition.

Accordingly, this Writ Petition is dismissed on the ground of availability of alternative remedy. No costs. Consequently, W.M.P(MD)Nos.15898 and 15899 of 2016 are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

- 1) The Deputy General Manager (B & O),
(Appellate Authority), State Bank of India,
(H.R Section) Network-2, Administrative Office,
Madurai Cluster, 'MADHURAM' Complex,
No.2, Dr.Ambedkar Road, Madurai-625 002.
- 2) The Regional Manager, RBO-I &
Disciplinary Authority,
State Bank of India (Disciplinary Proceedings Cell),
Network-2, Administrative Office,
Madurai Cluster, 'MADHURAM' Complex,
No.2, Dr.Ambedkar Road, Madurai-625 002.

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.80196

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