

IN THE HIGH COURT JUDICATURE AT MADRAS

DATED : 16.02.2017

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.3900 of 2017

Dr.T.E.Thiruvengadam

.. Petitioner

Vs

The Principal Secretary to the Government,
Public and Rehabilitation Department,
Government of Tamil Nadu/Appellate Authority
REPCO Bank, Fort St. George,
Secretariat, Chennai.... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider and pass suitable orders on the appeal of the petitioner dated 16.09.2016 within four weeks.

For Petitioner : Ms.Ramapriya Gopalakrishnan

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

Mr.A.Ilangovan for REPCO Bank

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondent.

3. The petitioner, while working as a General Manager in the services of the REPCO Bank (Head Office No.33, North Usman Road, T.Nagar, Chennai-17) was issued with a disciplinary proceedings and vide order dated 11.07.2016, the Managing Director-In-Charge has passed an order of punishment and he has awarded the following punishment:

'1. Eligibility of Sr.T.E.Thiruvengadam, Emp.No.76 for promotion process is withheld for next two years with effect from the date of this order.

2. The wrongful loss of Rs.2.18 lakh (Rupees Two Lakh and Eighteen Thousand Only) caused by

Sr.T.E.Thiruvengadam, Emp.No.76 to the Bank shall be paid/recovered in 12 equal monthly installments commencing from the month of August 2016 without any further interest.''

4. In the said order, it has also been indicated that if the petitioner so desires, he may prefer an appeal against the above said order before the Appellate Court, namely, Chairman, REPCO Bank, Head Office, REPCO Towers, T.Nagar, Chennai-17 within 45 days, of receipt of the orders, in terms of Regulation 17 of the REPCO Bank Officers' (Discipline and Appeal) Regulations, 2003. Accordingly, the petitioner preferred an appeal to the appellate authority who is also the Principal Secretary to the Government, Public and Rehabilitation Department, Government of Tamil Nadu, Chennai-9 on 16.09.2016.

5. The learned Counsel for the petitioner would submit that in the light of the remedy pointed out in the order of punishment passed by the Managing Director-In-Charge of REPCO Bank, the petitioner has filed an appeal and during the pendency of the same, repeatedly communications were sent to the petitioner calling upon him to make good the wrongful loss of Rs.2.18 Lakhs in 12 equal monthly instalments and would pray for early disposal of the appeal.

6. Per contra, the learned Counsel appearing for the Intervener, namely, REPCO Bank, has invited the attention of this Court to Regulation 17 of the REPCO Bank Officers' (Discipline and Appeal) Regulations, 2003 and would submit that as per Sub-Regulation 2 of Regulation 17, the appeal shall be addressed to the Appellate Authority and submitted to the authority whose order is appealed against. The authority whose order is appealed against, shall forward the appeal together with its comments and the records of the case to the Appellate Authority. The Appellate Authority shall consider whether the findings are justified or whether the penalty is excessive or inadequate and pass appropriate orders and since the petitioner did not submit the appeal to the Managing Director-In-Charge, the appeal papers are not in order.

7. The Court heard Mr.K.Dhananjayan, the learned Special Government Pleader appearing for the sole respondent also.

8. This Court, taking into consideration the above facts and circumstances, permits the petitioner

to submit a fresh appeal to the Managing Director-In-Charge, who has passed the order of punishment, within one week from the date of receipt of a copy of this Order and upon receipt of the same, the Managing Director-In-Charge, REPCO Bank, is directed to forward the same to the respondent/appellate authority within a further period of three weeks thereafter and the appellate authority shall make every endeavour to dispose of the appeal submitted by the petitioner on merits and in accordance with law and pass orders within a further period of eight weeks thereafter and communicate the decision taken to the petitioner and till such time, the recovery proceedings shall be kept in abeyance.

9. The Writ Petition is disposed of accordingly.
No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

Note :
Copy to the REPCO Bank, H.O.No.33, North Usman Road,
T.Nagar, Chennai-17.

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To

1.The Principal Secretary to the Government,
Public and Rehabilitation Department,
Government of Tamil Nadu/Appellate Authority
REPCO Bank, Fort St. George,
Secretariat, Chennai.

2.The managing Director-In-Charge,
Repco Bank,H.O.No.33,
North Usman Road,
T.Nagar,
Chennai-17

+1cc to M/s.Ramapriya Gopalakrishnan,Advocate sr.10149

+1cc to Government Pleader sr.10592

W.P.No.3900 of 2017

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