

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2017

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

WP.No.7147 of 2012
& MP.No.3 of 2013

C.Karunanidhi

.... Petitioner

Versus

- 1.The Management of Syndicate Bank,
rep. by its Managing Director,
Manipal,
Karnataka- 576 104.
- 2.The General Manager, Personnel Department,
Officer Section,
Syndicate Bank, Head Office,
Manipal, Karnataka- 576 104.
- 3.The Deputy General Manager, Personnel Department,
Officer Section,
Syndicate Bank,
Head Office,
Manipal, Karnataka- 576 104.

.... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Certiorarified Mandamus to call for the records of the third respondent in connection with the impugned order in No.673/0089/PD:IRD(O)/3713/CSV-2010 dated 16.02.2012 passed by the third respondent imposing the punishment of compulsory retirement on the petitioner, received by petitioner on 01.03.2012 and quash the same and direct the respondents to reinstate the petitioner with continuity in service, back wages and all other consequential benefits.

For Petitioner : Mr.C.Selvaraj,
S.C. for Mr.N.Nanmaran

For Respondents : Mr.S.Hanoon A.L.Rasha for
M/s.T.S.Gopalan & Co

ORDER

It is found that the writ petitioner without exhausting the appeal remedy available under the Rules has approached this Court, challenging the disciplinary proceedings.

2. Today, when the matter is taken up for hearing, the learned Senior counsel appearing for the petitioner would contend that the petitioner had raised substantive ground in the writ petition and therefore, he had directly invoked the jurisdiction of this Court under Article 226 of the Constitution of India, without exhausting the statutory remedy available to the petitioner. The learned Senior counsel would further submit that since substantive grounds have been raised, there would not be any purpose in approaching the appellate authority under the Rules.

3. However, such contention raised on behalf of the learned Senior counsel for the petitioner is not acceptable for the sole reason that it is for the appellate authority to consider whether there are infirmities in the conduct of the enquiry or in the orders passed by the disciplinary authority, particularly, in the present case, when there are series of transactions which gave raise to irregularities on the part of the writ petitioner is concerned, for which, the appellate authority is the best person to consider the appeal and appreciate the defence of the petitioner.

4. In the said circumstances, this Court is of the considered view that the writ petition is not maintainable and therefore the petitioner is directed to prefer an appeal before the appellate authority under the Rules. The writ petitioner is therefore, directed to prefer an appeal before the appellate authority within a period of four weeks from the date of receipt of a copy of this order. The appellate authority shall consider and dispose of the same on merits and in accordance with law within a period of 12 weeks thereafter.

5. The writ petition is disposed of, with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Management of Syndicate Bank,
rep. by its Managing Director,
Manipal,
Karnataka- 576 104.

2.The General Manager, Personnel Department,
Officer Section,
Syndicate Bank, Head Office,
Manipal, Karnataka- 576 104.

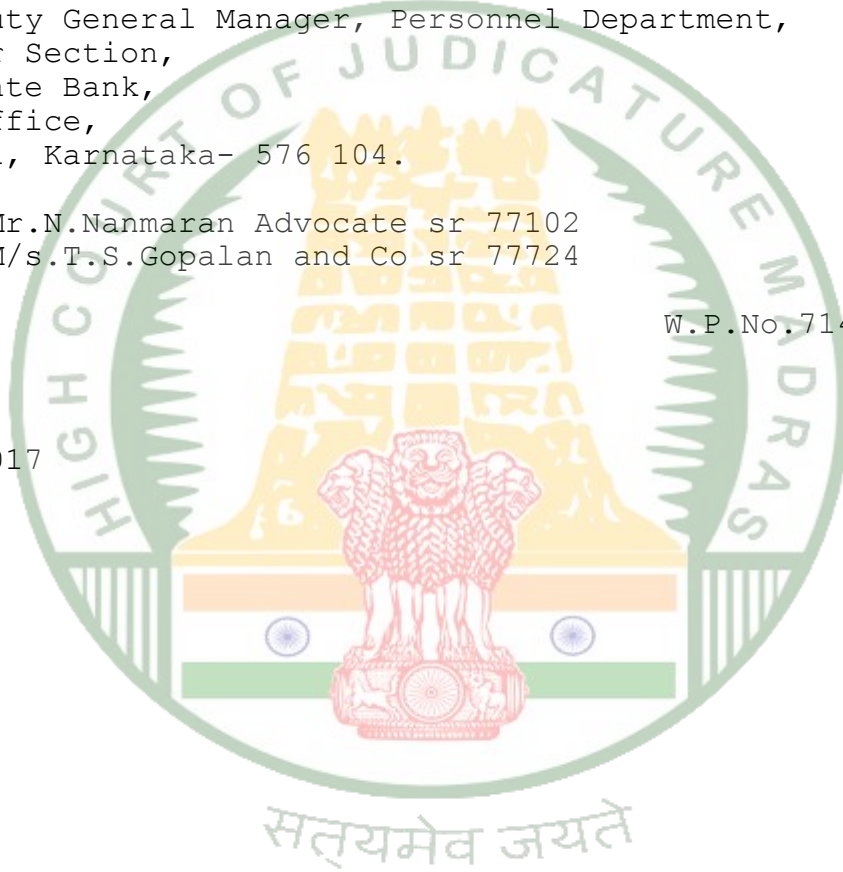
3.The Deputy General Manager, Personnel Department,
Officer Section,
Syndicate Bank,
Head Office,
Manipal, Karnataka- 576 104.

+1 cc to Mr.N.Nanmaran Advocate sr 77102

+1 cc to M/s.T.S.Gopalan and Co sr 77724

W.P.No.7147 of 2012

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