

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.03.2017

Coram

The Hon'ble Mr.Justice S.M.Subramaniam

Writ Petition No.7433 of 2004

Syndicate Bank Schedule Tribe
Employees Welfare Association
No.2, Annai Indira Nagar,
Madukarai Road,
Coimbatore - 21.
rep.by its General Secretary
R.Partheeban

...Petitioner

Vs.

1. Syndicate Bank,
Zonal Office at Chennai,
rep.by its Assistant General Manager,
1st Floor, 69, Armenian Street,
Chennai - 600 001.
2. Syndicate Bank,
rep.by its General Manager,
Manipal,
Karnataka,
Karnataka State.

...Respondents

Writ Petition, filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the respondents in respect of circular No.119/2003/0012/H.O.SWD, dated 23.12.2003, quash the same and consequently, to direct the respondents not to deny any benefits to the members of the petitioners' Association as employees.

For Petitioner : No appearance

For Respondents : Mr.Anand Gopalan, for
M/s.T.S.Gopalan & Co

O R D E R

The petitioner has filed this Writ Petition, seeking to quash the the circular, dated 23.12.2003, issued by the respondent-Bank, whereby, the Loan Sanctioning Authorities have been instructed not to grant loan and any other benefits to the employees of the Bank, who are facing departmental proceedings.

2. When the Writ Petition is taken up for hearing, there is no representation for the petitioner. Heard the learned counsel for the respondents. Since the Writ Petition is of the year 2004, and it is pending for more than decade, this Court is not inclined to keep it pending any more, and proceeding to dispose of the same with the materials placed on record.

3. On perusal of the impugned order, one thing is clear. The cause, which necessitated the respondent-Bank to issue such a circular is that, certain employees of the respondent-Bank have secured employment/promotion under the quota reserved for Scheduled Caste/Scheduled Tribe by producing bogus community certificate, and to verify the veracity of the certificates, the respondent-Bank has referred the certificates for scrutiny to the competent Authorities. After scrutiny, if it is found that the community certificates produced by the employees are bogus, it may result in imposition of major penalty of dismissal from service, and in such an event, the respondent-Bank will not be in a position to recover the loan amount or any other dues, which the employees owe to the Bank. Thus, in order to safeguard the interest of the Bank, the circular has been issued, and I do not find any valid reason to quash the same. Further, this Court is inclined to observe that, no employee of the Bank can claim loan or advance as a matter of right, and nor they can claim such benefits has to be a part of service condition, as such benefits are only concessions shown by the Bank.

4. In the result, the Writ Petition is dismissed, as being devoid of merits. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

+1cc to M/S.T.S.Gopalan, Advocate Sr.19313

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srg 13/07/2017