



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2017

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THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.(MD) No. 20120 of 2017

M.Narendra Baabu

...Petitioner

-Vs-

1.The General Manager / Appellant Authority
Indian Overseas Bank,
Central Office,
No.673, Anna Salai,
Chennai - 600 002.

2.The Deputy General Manager /
Disciplinary Authority
Indian Overseas Bank,
Central Office,
No.763, Anna Salai,
Chennai - 600 002.

... Respondents

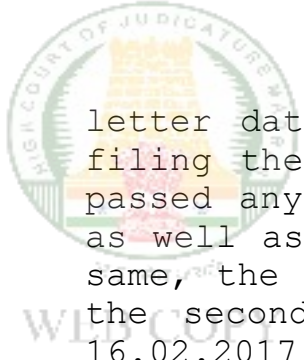
Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 2nd respondent to forward the petitioner's appeal dated 16.02.2017 to the first respondent and to direct the first respondent to consider the petitioner's appeal dated 16.02.2017 on merits in accordance with law and to accordingly pass appropriate orders there on within a limited time frame as deemed fit.

For Petitioner :Mr.Porkodi Karnan

For Respondents :Mr.N.Dilipkumar

ORDER

The petitioner, who was employed as an Assistant Manager in the respondent Bank (First Lines, S.Pudur Branch, Karaikudi Region), was dismissed from service by an order dated 31.10.2016 passed by the Disciplinary Authority, namely, The Deputy General Manager, Indian Overseas Bank, Central Office, Chennai - 600 002. Aggrieved thereby, the petitioner had submitted an appeal before the first respondent on 16.02.2017, which was declined to be entertained by the second respondent by letter dated 20.03.2017 on the ground that the appeal had not been submitted within the time prescribed under Regulation 17 (i) of the Indian Overseas Bank Employees' (Discipline and Appeal) Regulations, 1976. Thereafter, the petitioner has re-submitted the said memorandum of appeal by



letter dated 28.04.2017 explaining the reasons for the delay in filing the aforesaid appeal. Since the first respondent has not passed any order of the memorandum of appeal of the petitioner as well as the representation made to condone delay in filing the same, the present writ petition has been filed for a direction to the second respondent to forward the petitioner's appeal dated 16.02.2017 to the first respondent and to direct the first respondent to consider the appeal of the petitioner on merits in accordance with law within a time frame fixed by this Court.

2.Mr.N.DilipKumar, who has entered appearance on behalf of the respondents, submits that the said representation of the petitioner dated 28.04.2017 explaining the delay in filing the appeal would be considered by the first respondent and orders in that regard shall be passed on merits in accordance with law on or before 31.12.2017.

3.Recording the said submission, this writ petition is disposed of accordingly. It is made clear that if that delay is condoned, the appeal shall be dispassionately considered and reasoned order shall be passed on merits and in accordance with law filing the prescribed procedure and the decision communicated to the petitioner on or before 30.04.2018. No costs.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

+1CC to M/S.M.Ravi,Advocate, SR.No. 88972.

+1CC to Mr.N.Dilip Kumar, Advocate, SR.No. 88896.

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AM/SV MMS/SAR 2/08.12.2017/2P/3C