



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.11.2017

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD)No.20269 of 2017

and

W.M.P. (MD)No.16514 of 2017

A.Vasanthi

... Petitioner

Vs.

1.The General Manager / Appellant Authority,
Industrial Relation Division,
Syndicate Bank, Head Office,
Manipal, Karnataka- 576104.

2.The Deputy General Manager / Disciplinary Authority,
Syndicate Bank,
Regional Office,
Claret Plaza, Melakal Main Road,
Madurai.

3.The Enquiry Officer / Manager (HR/IR),
Syndicate Bank,
Regional Office, Chennai.

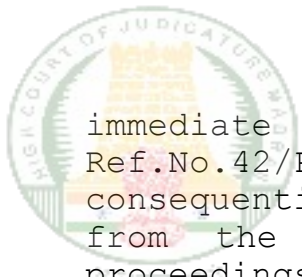
...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order "dismissed from the service of the bank with immediate effect" passed by the 2nd respondent vide proceedings Ref.No.42/PRS(WY)6215/ROMDU/2016 dated 27.09.2016 and the consequential impugned order passed by the 1st respondent, "dismissed from the service of the bank with immediate effect", vide proceedings issued by the 1st respondent Ref.No.06/PD:IRD(W)/DA-7 dated 10.04.2017, confirming the order passed by the 2nd respondent and quash the same as illegal, unlawful, unconstitutional and arbitrary and consequently direct the 1st and 2nd respondents to reinstate the petitioner with full back wages and all the consequently benefits without break in seniority.

For Petitioner : Mr.R.Murugan

O R D E R

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order "dismissed from the service of the bank with



immediate effect" passed by the 2nd respondent vide proceedings Ref.No.42/PRS(WY)6215/ROMDU/2016 dated 27.09.2016 and the consequential impugned order passed by the 1st respondent, "dismissed from the service of the bank with immediate effect", vide proceedings issued by the 1st respondent Ref.No.06/PD:IRD(W)/DA-7 dated 10.04.2017, confirming the order passed by the 2nd respondent and quash the same as illegal, unlawful, unconstitutional and arbitrary and consequently direct the 1st and 2nd respondents to reinstate the petitioner with full back wages and all the consequently benefits without break in seniority.

2.Heard, Mr.R.Murugan, learned counsel appearing for the petitioner.

3.When it was pointed out at this stage of admission of the Writ Petition that the petitioner who is a workman / award staff of the Respondent Bank, ought not to have straight away invoke the discretionary jurisdiction of this Court under Article 226 of the Constitution without exhausting the alternative remedy of raising an industrial dispute under the Industrial Disputes Act,1947, as held by the Honourable Supreme Court of India in the case of *State of U.P. -Vs- U.P.Rajya Khanij Vikas Nigam Sangharsh Samiti [(2008) 12 SCC 675]*, the learned counsel for the petitioner sought permission to withdraw the Writ Petition with liberty to avail the said alternative remedy and he has also made an endorsement to that effect.

4.Recording the said submission and endorsement made, this writ petition is dismissed as withdrawn granting such liberty. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

- 1.The General Manager / Appellant Authority,
Industrial Relation Division,
Syndicate Bank, Head Office,
Manipal, Karnataka- 576104.
 - 2.The Deputy General Manager / Disciplinary Authority,
Syndicate Bank,Regional Office,
Claret Plaza, Melakal Main Road, Madurai.
 - 3.The Enquiry Officer / Manager (HR/IR),
Syndicate Bank, Regional Office, Chennai.
- +One cc to Mr.R.Murugan, Advocate, SR.No.85674

Smi

RL/5C/2P/KK/SAR1/27/11/2017

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