

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Special Original Jurisdiction)

Tuesday, the Twentieth day of March Two Thousand Eighteen

PRESENT

THE HON`BLE MR.JUSTICE SATRUGHANA PUJAHARI

WMP No.6157 of 2018

in WP NO.184 of 2018

1 THE CHIEF MANAGER [PETITIONERS]
(DISCIPLINARY AUTHORITY)
H.R.M.P.A.D,DISCIPLINARY CELL,
CORPORATION BANK HEAD OFFICE,
MANGALADEVEI TEMPLE ROAD, PANDESHWAR,
MANGALORE 575 001

2 THE SENIOR MANAGER (LAW)
/ ENQUIRY OFFICER, ZONAL OFFICE BANGALURU
(SOUTH)NO.8,M.G.ROAD,
NITESH TIMES SQUARE,
BANGALURU 560 001

3 THE GENERAL MANAGER
CORPORATION BANK ZONAL OFFICE,
NO.38, 39, WHITES ROAD,
ROYAPPETTAI, CHENNAI 600 014

Vs

J.JAYASUDHA [RESPONDENT]

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to vacate the interim order dated 8.1.2018 granted in WMP No.249 of 2018 in WP No.186 of 2018 pending WP No.184 of 2018.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.V.SUTHAKAR, Advocate for the petitioner and of the respondent not appearing either in person or by an Advocate the court made the following order:-

Heard the learned counsel for the petitioner in the WMP who is the first respondent in the writ petition, on the question of vacation of stay. It appears that in a disciplinary proceedings, while issuing notice, the punishment imposed has already been

stayed. It is submitted on behalf of the learned counsel appearing for the petitioner that an appeal remedy is available against the aforesaid order. The petitioner, having not challenged the same before the Appellate Authority, has come to this Court directly. This Court, however, considering the same, as the proposed punishment, has stayed the order. But the punishment having been imposed and the disciplinary proceedings has been disposed of. In such premises, it is submitted to vacate the order of stay, more-so, when prima facie, the domestic inquiry cannot be said to be perverse or violative to the principle of natural justice. None made appearance on behalf of the writ petitioner, who is the respondent to the WMP.

2. Considered the facts and circumstances and the submissions made by the counsel for the petitioner. On such consideration, this Court is of the view that even if an appeal remedy is available, when this Court taking into consideration the facts and circumstances of the case, has already entertained the writ petition are issued notice and granted an interim order and the fact that if the interim order is vacated, the writ petition shall become infructuous, even if no resistance from the side of the writ petitioner to such prayer in the WMP, it would not be proper to vacate the order of stay.

3. Hence, this Court is not inclined to allow the prayer made in this WMP and accordingly, it stands dismissed. However, the petitioner is at liberty to move the appropriate Court for early disposal of the writ petition.

-sd/-
20/03/2018

/ TRUE COPY /

Sub Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO
1 THE CHIEF MANAGER
(DISCIPLINARY AUTHORITY)
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C.C. to M/S.V.SUTHAKAR Advocate SR.NO. 3461

+2 C.C. to MR.S.PARTHASARATHI Advocate SR.NO. 3572

Order

in
WMP.6157/2018

in
WP.184/2018

Date :20/03/2018

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