

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.03.2018

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THE HONOURABLE MR. JUSTICE T.RAJA

W.P. No.5137 of 2018

A.Rajasekaran

.. Petitioner

Vs.

The Chief Executive Officer &
Managing Director,
Indian Overseas Bank,
IOB Head Office,
No.762, Anna Salai,
Chennai - 600 002. ... Respondent

PRAYER : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondent Bank to re-credit the 44 days salary into the petitioner's account with interest applicable as per bank norms, which has been deducted / recovered wrongly from the petitioner's monthly salary during the month of October 2011, December 2011 and January 2012.

For Petitioner :Mr.S.Rajan Babu
for M/s.Raji and Rajan Associates

ORDER

By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

2. This Writ Petition has been filed seeking a writ of mandamus, directing the respondent Bank to re-credit the 44 days salary into the petitioner's account with interest applicable as per bank norms, which has been deducted / recovered wrongly from the petitioner's monthly salary during October 2011, December 2011 and January 2012.

3. The learned counsel appearing for the petitioner submitted that the respondent Bank has wrongly recovered / deducted the 44 days salary from the petitioner's monthly salary during October 2011, December 2011 and January 2012, which is illegal and ultra virus. It also amounts to double jeopardy. Adding further it is submitted that either the respondent Bank would have debited nor recovered / deducted the 44 days salary from the petitioner. But it has done the both, which clearly

attracts the double jeopardy. The act of the respondent Bank is against the principles of natural justice and against law. The learned counsel also submitted that a final verdict of the charge sheet enquiry proceedings passed by the Disciplinary Authority / Deputy General Manager on 27.01.2014 has only censured the petitioner and it does not mentioned anything about the recovery of the 44 days salary from the petitioner for non-submission of leave letter. Therefore, a direction may be issued to the respondent Bank to re-credit the 44 days salary into his account with interest.

4. The above said submission made by the learned counsel appearing for the petitioner is not accepted by this Court for two reasons. Firstly, the respondent Bank has passed an order dated 13.04.2016 informing the petitioner that they have already paid encashment of PL, at the time of his superannuation, in excess of 11 days of his available PL balance and hence, he was also requested to repay the Bank 11 days salary immediately. Till date, this order has not been questioned. Secondly, when the said order has become final and concluded, it is not known how the Writ Petition can be filed seeking mandamus to direct the respondent Bank to re-credit the 44 days salary into his account with interest. Therefore, for these two reasons, this Writ Petition fails and the same is dismissed. No costs.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

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+1 CC to Mr. Rajarajan, Advocate sr 17572.

सत्यमेव जयते

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GMI (CO)
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