

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 27.07.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.13346 of 2016 and
W.M.P.No.11692 of 2016

M.Sivakumar

...Petitioner

Versus

1. The Indian Overseas Bank,
Rep. by General Manager,
Central Office-Post Box No:3765,
Industrial Relations Department,
763, Anna Salai, Chennai - 600 002
 2. Indian Overseas Bank,
Rep. by Chief Manager,
13/25, Registrar Periyaswamy Street,
Veeraswamy Nagar, Sankaran Palayam,
Vellore - 632 001
 3. The Branch Manager,
Indian Overseas Bank,
Gandhi Nagar Branch,
No:3, 10th East Cross Street, Gandhi Nagar,
Vellore - 632 006
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus calling for the records comprised in No:IRD/184/42/2014-15 on the file of the 1st respondent dt 10.5.2014 and quash the same and consequently direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner :Mr.S.Ayyadurai,
Senior Counsel
for M/s.V.B.Perumal Raj

For Respondents: Mr.N.G.R.Prasad,
Standing Counsel

ORDER

In this writ petition, the petitioner has challenged the termination order issued by the first respondent on the allegation that he has obtained the appointment by furnishing some spurious certificate to get his appointment pursuant to

settlement made under Section 12(3) of the Industrial Disputes Act, on the ground that the same is illegal, arbitrary, violative of the principle of Audi Alteram Partem, a salutary principle of natural justice, inasmuch as no departmental enquiry was undertaken and petitioner was not given a chance of hearing to meet the charge even though the removal was stigmatic one. Therefore, he has prayed to quash the order and direct reinstatement of the petitioner in service with back wages.

2. Heard the learned counsel for the petitioner so also the the learned counsel for the respondents.

3. Needless to say that this Court has already decided the similar matter in a batch of writ petitions in W.P.Nos.23447 to 23484 of 2014 and set aside the impugned orders.

4. Undisputedly, the case of the petitioner is also squarely covered by the said decisions rendered by this Court in the aforesaid batch of writ petitions. Accordingly, the writ petition is allowed, consequently, the impugned order of termination of the petitioner from service is set aside. The respondent is directed to reinstate him into service forthwith but the petitioner is not entitled to any back wages, so also, the respondent after such reinstatement is also at liberty to proceed against the petitioner on the aforesaid charges in accordance with law, if so desired. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

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To

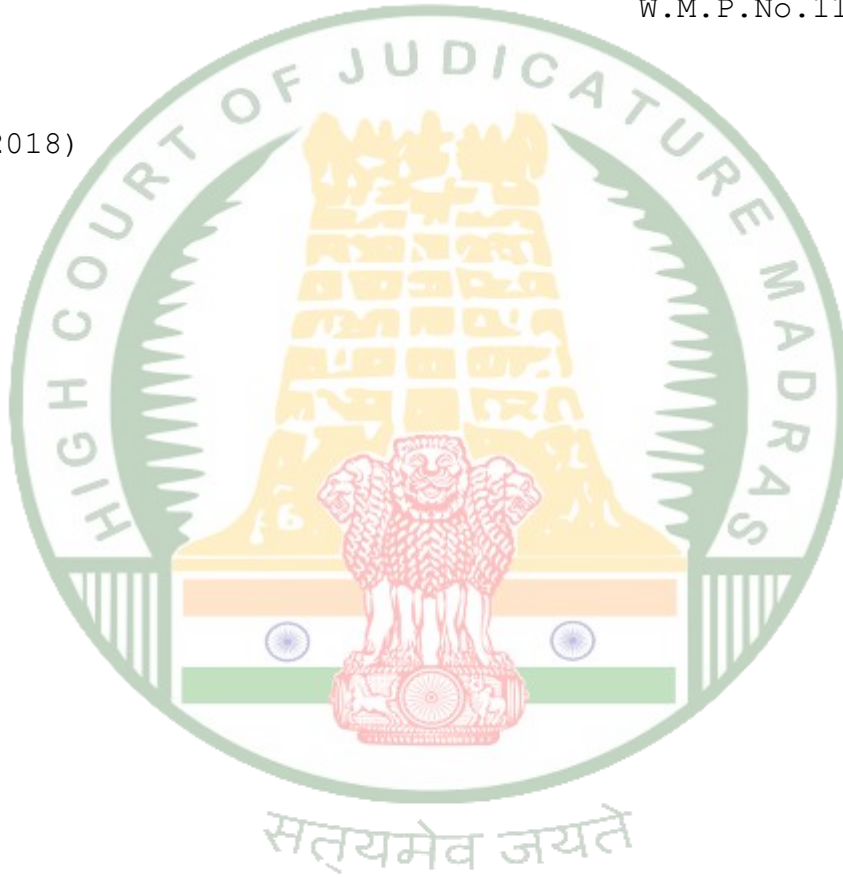
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+1 CC to M/s.V.B.Perumal Raj , Advocate sr 50668.

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JP (CO)
SP (07/09/2018)



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