

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2018

CORAM :

THE HON'BLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P. No.40071 of 2006

M.Mathurappa Moorthy

... Petitioner

Vs.

Indian Bank

Head Office

No.31, Rajaji Salai

Chennai - 600 001

Rep by its General Manager

.... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of relating to order No.HO:HRM:O:5722:2006 dated 12.07.2006 and order No.Group0:2006 dated 18.07.2006 passed by the respondent, quash the same and direct the respondent to refix the pay of the petitioner by sanctioning him switchover increment and annual increments as due every year and pay him service gratuity, leave encashment and employer's contribution to provident fund and arrears of pay and allowances flowing therefrom after such refixation on grant of the said increments together with interest at 12% p.a. on the sums payable to the petitioner from the date of his retirement i.e.. from 15.06.2002 till the date of the payment and award exemplary costs within a time-limit to be stipulated by this Hon'ble Court.

For Petitioner : Ms.Y.Kavitha
for P.V.S.Giridhar Associates

For Respondent :Mrs.Rita Chandrasekar
for M/s.Aiyar & Dolia

ORDER

The order of compulsory retirement dated 15.06.2002 issued against the writ petitioner is under challenge in this writ petition. However, the writ petitioner had preferred an appeal to the appellate authority on 07.08.2002 and the same is pending. The present writ petition was filed when the statutory appeal was pending before the authorities.

2.The learned counsel appearing on behalf of the respondent

has contended that the writ petitioner has to exhaust the appeal remedy in view of the fact that the appeal was already filed and the same is pending.

3.In this view of the matter, the Appellate Authority is directed to consider the appeal filed by the writ petitioner on 07.08.2002 and pass orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order. The writ petitioner is directed to submit a copy of the appeal and fresh grounds, if necessary, along with the documents and the order passed in this writ petition.

4.With the above direction, the writ petition stands disposed of. However, there is no order as to costs.

Sd/-

Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

To

1.The General Manager
Indian Bank
Head Office
No.31, Rajaji Salai
Chennai - 600 001

+1cc to M/S.Giridhar & Sai,Advocate,sr.no.4240

+1cc to Aiyar & Dola advocate sr.no.4177

W.P.No.40071 of 2006

co(br)
GSP(17/02/2018)

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