

In the High Court of Judicature at Madras

Dated : 23.03.2018

Coram

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.23447 of 2014

and

M.P.No.1 of 2014

R.Nandha Kumar

... Petitioner

Vs.

1.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
Regional Officer
Personal Administration Department
Ideal Garnen Complex
II Floor, 5 Roads, Salem 636 004.

3.The Branch Manager
Indian Overseas Bank
Salem Main Branch
Salem.

.... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in No.IRD/184/421/2013-14 on the file of the 1st respondent dated 25.03.2014 and quash the same and consequently direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam
for R1 to R3

W.P.No.23448 of 2014

and

M.P.No.1 of 2014

M.Nagamani

... Petitioner

Vs.

1. 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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.
 3. The Branch Manager,
Indian Overseas Bank,
Krishnagiri Branch,
Krishnagiri.
- ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/Nil./2013-14 on the file of the 1st respondent dated 25.03.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23449 of 2014

and

M.P.No.1 of 2014

T.S.Srinivasan

सत्यमेव जयते

... Petitioner

Vs.

1. 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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3. The Branch Manager,
Indian Overseas Bank,
Vivekananda College Campus Branch,
Elayam Palayam,
Namakkal District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/392/2013-14 on the file of the 1st respondent dated 18.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23450 of 2014
and
M.P.No.1 of 2014

K.Valarmathi

Vs.

... Petitioner

1. 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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.
3. The Branch Manager,
Indian Overseas Bank,
Suramangalam Branch,
Salem District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/325/2013-14 on the file of the 1st respondent dated 07.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.V.Ayyadurai, Senior Counsel
M/s.V.B.Perumal Raj
For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23451 of 2014
and
M.P.No.1 of 2014

M.Anandha Babu ... Petitioner
Vs.

- 1.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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.
 - 3.The Branch Manager,
Indian Overseas Bank,
Vellalagundam Branch,
Salem.
- Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/336/2013-14 on the file of the 1st respondent dated 12.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.V.Ayyadurai, Senior Counsel
M/s.V.B.Perumal Raj
For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23452 of 2014
and
M.P.No.1 of 2014

N.Samraj ... Petitioner
Vs.

- 1.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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3. The Branch Manager,
Indian Overseas Bank,
Oddapatti Branch,
Dharmapuri.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/337/2013-14 on the file of the 1st respondent dated 12.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.K.Raju

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23453 of 2014

and

M.P.No.1 of 2014

P.Dhanraj

Vs.

.... Petitioner

1.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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
VMEIC Ariyanoor Branch,
Salem.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/338/2013-14 on the file of the 1st respondent dated 12.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.V.Ayyadurai, Senior Counsel
for M/s.V.B.Perumal Raj
For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23454 of 2014
and
M.P.No.1 of 2014

G.Jagatheesh Petitioner
Vs.

- 1.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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.
 - 3.The Branch Manager,
Indian Overseas Bank,
Kallavai Branch,
Krishnagiri
- ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/339/2013-14 on the file of the 1st respondent dated 12.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.V.Ayyadurai, Senior Counsel
for M/s.V.B.Perumal Raj
For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23455 of 2014
and
M.P.No.1 of 2014

S.Jegan

... Petitioner

Vs.

- 1.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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.
 - 3.The Branch Manager,
Indian Overseas Bank,
Kumudepalli Branch,
Krishnagiri.
- ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/340/2013-14 on the file of the 1st respondent dated 13.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23456 of 2014
and
M.P.No.1 of 2014

G.Elangovan

... Petitioner

Vs.

- 1.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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Hosur IC Branch,
Krishnagiri.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/341/2013-14 on the file of the 1st respondent dated 13.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23457 of 2014

and

M.P.No.1 of 2014

L.Srimathi

... Petitioner

Vs.

1.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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Fairlands Branch,
Salem.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the

records comprised in Proceeding No:IRD/184/342/2013-14 on the file of the 1st respondent dated 13.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.V.Ayyadurai, Senior Counsel
for M/s.V.B.Perumal Raj
For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23458 of 2014
and
M.P.No.1 of 2014

R. Gowri Shankar ... Petitioner
Vs.

1. 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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.
3. The Branch Manager,
Indian Overseas Bank,
Periamanali Branch,
Namakkal. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/344/2013-14 on the file of the 1st respondent dated 13.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.V.Ayyadurai, Senior Counsel
for M/s.V.B.Perumal Raj
For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23459 of 2014
and
M.P.No.1 of 2014

S.Shanmuga Priya ... Petitioner
Vs.

1.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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Seelanaickenpatti Branch,
Salem.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/350/2013-14 on the file of the 1st respondent dated 13.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23460 of 2014
and
M.P.No.1 of 2014

1 S.Thangadurai
S/o.Sakkarapani Roll No.47270 Messenger
Indian Overseas Bank Kanjamalai SSP Campus
Branch Salem [PETITIONER]

Vs

1 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 Regional Officer
Personal Administrative Department Ideal
Garden Complex II Floor 5 Roads Salem-636
004.

3 The Branch Manager
Indian Overseas Bank Kanjamalai SSP Campus
Branch Salem [RESPONDENTS]

Prayer: Petition filed under Article 226 of the constitution of India, issue a Writ of Certiorarified Mandamus, Calling for the records comprised in proceeding No.IRD/184/351/2013-14 on the file of the 1st respondent dt. 13.02.2014 and quash the same and consequently direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.V.Ayyadurai
S.C. for M/s. V.B. Perumal Raj

For Respondents: Mr.K.K. Sivashanmuagm
for R1 to R3.

W.P.No.23461 of 2014
and
M.P.No.1 of 2014

1 K.Suganthi
W/o.Senthilmurugan Roll No.47302 Messenger
Indian Overseas Bank Narasingapuram Branch
Salem [PETITIONER]

Vs

1 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 Regional Officer
Personal Administrative Department Ideal
Garden Complex II Floor 5 Roads Salem-636
004.

3 The Branch Manager
Indian Overseas Bank Narasingapuram Branch
Salem [RESPONDENT]

Prayer: Petition filed under Article 226 of the constitution of India, issue a Writ of Certiorarified Mandamus Calling for the records comprised in proceeding No.IRD/184/352/2013-14 on the file of the 1st respondent dt. 13.02.2014 and quash the same and consequently direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.V.Ayyadurai
S.C. for M/s. V.B. Perumal Raj

For Respondents: Mr.K.K. Sivashanmuagm
for R1 to R3.

W.P.No.23462 of 2014
and
M.P.No.1 of 2014

T.Anandakumar ... Petitioner
Vs.

1.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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Pudanchanthai Branch,
Namakkal.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/404/2013-14 on the file of the 1st respondent dated 21.03.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.V.Ayyadurai, Senior Counsel
for M/s.V.B.Perumal Raj
For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23463 of 2014
and
M.P.No.1 of 2014

V.Sivasankar ... Petitioner
Vs.

1.Indian Overseas Bank,
Rep.by General Manager,
Central Office-Post Box No:3765,
763, Anna Salai, Chennai - 600 002.

2.Indian Overseas Bank,
Rep.by Chief Manager,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Seelanaickenpatti Branch,
Salem.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/403/2013-14 on the file of the 1st respondent dated 21.03.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23464 of 2014

and

M.P.No.1 of 2014

S.Pasupathi

Vs.

... Petitioner

1.Indian Overseas Bank,
Rep.by General Manager,
Central Office-Post Box No:3765,
763, Anna Salai, Chennai - 600 002.

2.Indian Overseas Bank,
Rep.by Chief Manager,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Kadayampatti Branch,
Salem.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/399/2013-14 on the file of the 1st respondent dated 18.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.V.Ayyadurai, Senior Counsel
for M/s.V.B.Perumal Raj
For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23465 of 2014

and

M.P.No.1 of 2014

B.Indumathi

Vs.

... Petitioner

1.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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Karuvalli Branch,
Salem.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/396/2013-14 on the file of the 1st respondent dated 18.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.V.Ayyadurai, Senior Counsel
for M/s.V.B.Perumal Raj
For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23466 of 2014

and

M.P.No.1 of 2014

K.Dinesh Kumar

... Petitioner

Vs.

1.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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
T Goundampalayam Branch,
Namakkal.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/397/2013-14 on the file of the 1st respondent dated 18.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.K.Raju

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23467 of 2014

and

M.P.No.1 of 2014

J.Maheswari

... Petitioner

Vs.

1.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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
District Court Branch,
Salem.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/395/2013-14 on the file of the 1st respondent dated 18.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23468 of 2014

and

M.P.No.1 of 2014

P.Vimala

Vs.

... Petitioner

1.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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Salem Main Branch,
Salem.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/393/2013-14 on the file of the 1st respondent dated 18.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.K.Raju
For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23469 of 2014
and
M.P.No.1 of 2014

E.Ramesh ... Petitioner
Vs.

- 1.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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.
- 3.The Branch Manager,
Indian Overseas Bank,
Thirumalaipatti Branch,
Namakkal.

.... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/390/2013-14 on the file of the 1st respondent dated 18.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.V.Ayyadurai, Senior Counsel
for M/s.V.B.Perumal Raj
For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23470 of 2014
and
M.P.No.1 of 2014

M.Sankar ... Petitioner
Vs.

- 1.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,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Dharmapuri Branch,
Dharmapuri.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/406/2013-14 on the file of the 1st respondent dated 21.03.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23471 of 2014

and

M.P.No.1 of 2014

K.Sankar

....Petitioner

Vs.

1.Indian Overseas Bank,
Rep.by General Manager,
Central Office-Post Box No:3765,
763, Anna Salai, Chennai - 600 002.

2.Indian Overseas Bank,
Rep.by Chief Manager,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Thimmapuram Branch,
Krishnagiri.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/405/2013-14 on the file of the 1st respondent dated 21.03.2014 and quash the same

and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.V.Ayyadurai, Senior Counsel
for M/s.V.B.Perumal Raj
For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23472 of 2014
and
M.P.No.1 of 2014

J.Sivamanikandan

... Petitioner

Vs.

1.Indian Overseas Bank,
Rep.by General Manager,
Central Office-Post Box No:3765,
763, Anna Salai, Chennai - 600 002.

2.Indian Overseas Bank,
Rep.by Chief Manager,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Oddapatti Branch,
Dharmapuri.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/408/2013-14 on the file of the 1st respondent dated 21.03.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.V.Ayyadurai, Senior Counsel
for M/s.V.B.Perumal Raj
For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23473 of 2014
and
M.P.No.1 of 2014

C.Jayamurugan

... Petitioner

Vs.

1.Indian Overseas Bank,
Rep.by General Manager,
Central Office-Post Box No:3765,
763, Anna Salai, Chennai - 600 002.

2.Indian Overseas Bank,
Rep.by Chief Manager,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Vellalagundam Branch,
Salem.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/418/2013-14 on the file of the 1st respondent dated 25.03.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23474 of 2014

and

M.P.No.1 of 2014

A.K.Viswanath

... Petitioner

Vs.

1.Indian Overseas Bank,
Rep.by General Manager,
Central Office-Post Box No:3765,
763, Anna Salai, Chennai - 600 002.

2.Indian Overseas Bank,
Rep.by Chief Manager,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Hosur Town Branch,
Krishnagiri.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/ /2013-14 on the file of the 1st respondent dated 18.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23475 of 2014

and

M.P.No.1 of 2014

G.Manimaran ... Petitioner

Vs.

1.Indian Overseas Bank,
Rep.by General Manager,
Central Office-Post Box No:3765,
763, Anna Salai, Chennai - 600 002.

2.Indian Overseas Bank,
Rep.by Chief Manager,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
District Court Branch,
Salem. ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/417/2013-14 on the file of the 1st respondent dated 25.03.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23476 of 2014

and

M.P.No.1 of 2014

N.Ganesan

... Petitioner

Vs.

1.Indian Overseas Bank,
Rep.by General Manager,
Central Office-Post Box No:3765,
763, Anna Salai, Chennai - 600 002.

2.Indian Overseas Bank,
Rep.by Chief Manager,
Regional Officer, Personal Administration Department,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Kumudepalli Branch,
Krishnagiri.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/Nil/2013-14 on the file of the 1st respondent dated 13.2.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23477 of 2014

and

M.P.No.1 of 2014

G.Ranganathan

... Petitioner

Vs.

1.Indian Overseas Bank,
Rep.by General Manager,
Central Office-Post Box No:3765,
763, Anna Salai, Chennai - 600 002.

2.Indian Overseas Bank,
Rep.by Chief Manager,
Regional Officer,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Indur Branch,
Dharmapuri.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/407/2013-14 on the file of the 1st respondent dated 21.3.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23478 of 2014

and

M.P.No.1 of 2014

K.Shageer

... Petitioner

Vs.

1.Indian Overseas Bank,
Rep.by General Manager,
Central Office-Post Box No:3765,
763, Anna Salai, Chennai - 600 002.

2.Indian Overseas Bank,
Rep.by Chief Manager,
Regional Officer,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Hanumantheertham Branch,
Dharmapuri.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/2/2013-14 on the file of the 1st respondent dated 03.04.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23479 of 2014
and
M.P.No.1 of 2014

K.Karthikeyan

... Petitioner

Vs.

1.Indian Overseas Bank,
Rep.by General Manager,
Central Office-Post Box No:3765,
763, Anna Salai, Chennai - 600 002.

2.Indian Overseas Bank,
Rep.by Chief Manager,
Regional Officer,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Leigh Bazaar Branch,
Salem.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/420/2013-14 on the file of the 1st respondent dated 25.03.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23480 of 2014
and
M.P.No.1 of 2014

R.Kannan

... Petitioner

Vs.

1.Indian Overseas Bank,
Rep.by General Manager,
Central Office-Post Box No:3765,
763, Anna Salai, Chennai - 600 002.

2.Indian Overseas Bank,
Rep.by Chief Manager,
Regional Officer,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Mecheri Branch,
Salem.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/419/2013-14 on the file of the 1st respondent dated 25.03.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23481 of 2014

and

M.P.No.1 of 2014

V.Murugan

....Petitioner

Vs.

1.Indian Overseas Bank,
Rep.by General Manager,
Central Office-Post Box No:3765,
763, Anna Salai, Chennai - 600 002.

2.Indian Overseas Bank,
Rep.by Chief Manager,
Regional Officer,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
PeriyanaHalli Branch,
Salem.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/ /2013-14 on the file of the 1st respondent dated 07.02.2014 and quash the same and

consequently, direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.V.Ayyadurai, Senior Counsel
for M/s.V.B.Perumal Raj
For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23482 of 2014
and
M.P.No.1 of 2014

E.Senthil ... Petitioner
Vs.

1.Indian Overseas Bank,
Rep.by General Manager,
Central Office-Post Box No:3765,
763, Anna Salai, Chennai - 600 002.

2.Indian Overseas Bank,
Rep.by Chief Manager,
Regional Officer,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Rayakottai Road Branch,
Krishnagiri. ... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/324/2013-14 on the file of the 1st respondent dated 07.02.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

For Petitioner : Mr.V.Ayyadurai, Senior Counsel
for M/s.V.B.Perumal Raj
For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23483 of 2014
and
M.P.No.1 of 2014

D.Amutha ... Petitioner
Vs.

1.Indian Overseas Bank,
Rep.by General Manager,
Central Office-Post Box No:3765,
763, Anna Salai, Chennai - 600 002.

2.Indian Overseas Bank,
Rep.by Chief Manager,
Regional Officer,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Vellalagundam Branch,
Salem.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/416/2013-14 on the file of the 1st respondent dated 25.03.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

W.P.No.23484 of 2014

and

M.P.No.1 of 2014

K.Senthil

... Petitioner

Vs.

1.Indian Overseas Bank,
Rep.by General Manager,
Central Office-Post Box No:3765,
763, Anna Salai, Chennai - 600 002.

2.Indian Overseas Bank,
Rep.by Chief Manager,
Regional Officer,
Ideal Garden Complex,
II Floor, 5 Roads, Salem - 636 004.

3.The Branch Manager,
Indian Overseas Bank,
Periamanali Branch,
Namakkal.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, issue a Writ of Certiorarified Mandamus, calling for the records comprised in Proceeding No:IRD/184/409/2013-14 on the file of the 1st respondent dated 21.03.2014 and quash the same and consequently, direct the respondents to reinstate the petitioner with all attending benefits.

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

For Respondents: Mr.K.K.Sivashanmugam for R1 to R3

O R D E R

These batch of writ petitions involving similar questions of law and facts, are heard together and disposed of by this common order.

2. As it appears, the writ petitioners in the aforesaid cases were appointed by the respondents bank as Sub-staffs in different branches/offices of the respondent bank pursuant to the term of settlement made under Section 12 (3) of the Industrial Dispute Act. To be more specific, as it appears, from the averment made in the writ petitions in different branches/offices of the respondent bank many persons were engaged on daily wage basis to cater to the need of the official work as menial worker such as messenger, attendant and etc. Such engagement was without the approval of the Head Office of the respondent bank and totally on the discretion of the Branch/Office Heads. Such appointment being continuing for a considerable period, the Union of such employee demanded their absorption by the respondent as regular employee. For such consistent and persistent demand, a conciliation was held and in such conciliation, a settlement was arrived under Section 12(3) of Industrial Disputes Act, under certain terms and conditions between the Union of such workers and the respondent banks to absorb such casual/daily wage labourers as regular staff on the respondent Bank in phase manner provided they had worked for more than 240 days in an year continuously and continue to work on the date of such agreement. However, a stipulation was also there in the settlement that detection of furnishing false certificate shall entail termination of service. However, the certificate in this regard was required to be given by the concerned Branch Head/Office Head. Accordingly, many persons were regularized by necessary order of appointment and the petitioners are some of such persons appointed pursuant to the same. However, it latter came to the notice of the respondent bank that some of the Branch/Office Head of different establishment of the respondent bank, even though no such

persons were working in their establishments on daily wage basis and even working had no requisite criteria for appointment as a regular staff of the respondent bank, as provided in the aforesaid settlement, in connivance with such persons issued certificate in their favour to make them eligible for appointment in terms of the settlement. Accordingly, the respondent bank scrutinized the record and when it found that spurious certificate have been issued by some of the Branch/Office Head for such appointment, terminated such persons from service. The petitioners in these writ petitions are some of such appointees, who have been terminated for the aforesaid reasons. Hence, they came to challenge the same in these batch of writ petitions with the averment that the same is contrary to the facts and law, inasmuch as, the allegations are without any substance and also the orders of termination issued to them being suffering from the vice non observances of principles of natural justice, the same are liable to be quashed. Prayer has also been made to reinstate them with all back wages by issuing a writ of certiorarified mandamus.

3. During the course of hearing, the learned counsel appearing for the writ petitioners submits that since the termination is by way of a punishment and a stigmatized one, the respective writ petitioners could not have been terminated vide the impugned order in the respective writ petitions without conducting a domestic enquiry to establish the mis-conduct, by giving them a chance of hearing, in other words without adhering to the principles of Audi Alteram Partem i.e. no one shall be condemned without being heard, a salutary principle of natural justice. Since the same in the case had not been adhered to before the issuance of the impugned orders of termination to the respective petitioners, the same are liable to be quashed and the respondents be directed to reinstate the petitioners with the back wages, submits the counsel for the petitioners.

4. Learned counsel appearing for the respondent bank however in response, submits that the aforesaid contention of the learned counsel for the petitioners that the order is bad for non-adherence to the principles of Audi Alteram Partem is fallacious inasmuch as all the petitioners have given undertakings indicating the fact that if the certificate furnished by them are found to be spurious, their services are liable for termination without notice and on enquiry as it was found that the petitioners inconnivance with the respective Branch Manager/Branch Head, had furnished spurious certificate to qualify for appointment in terms of the settlement under Section 12 (3) of the Industrial Dispute Act, arrived between the respondent bank and the employees Union and so also the said settlement also contained a clause that in the event the certificate furnished are found to be spurious/false, the

service of the person absorbed pursuant to such settlement is liable for termination. Reliance in this regard has been placed in the decision of the Supreme Court of India rendered in the case of Punjab National Bank and others Vs. Manjeet Singh and Another in Civil Appeal 4330 of 200, so also Barauni Refinery Pragatisheel Shramik Parikshad and others Vs. Indian Oil Corporation Limited reported in AIR 1990 Supreme Court 1801 wherein the Apex Court have held that, a terms of the settlement arrived under Section 12(3) of the Industrial Disputes Act is not open to challenge by individual employee or the members of the minority union on the ground of non-adherence to the principle of Audi Alteram Partem i.e no one shall be condemned without being heard, inasmuch as thereafter adherence to the principles of natural justice is an empty formality and such award is binding on the workmen in view of Section 18(3) of the Industrial Dispute Act. So far as the reinstatement of the petitioners are concerned it is submitted that even if their termination is held to be illegal for non-adherence to the principle of natural justice as contended by the counsel for the petitioner they are not entitled to reinstatement as a matter of course in view of the decision rendered by the Apex Court in the case of Engineering Laugh Udyog Employees' Union Vs. Judge Labour Court and Industrial Tribunal and Another reported in 2003 Supplementary (6) SCR 253 and also the Punjab High Court in the case of Brij Bhushan Vs. Industrial Tribunal-cum-Labour cited in 1998 119 Punjab Law Reporter 818. The Apex Court in the case of Engineering Laugh Udyog Employees' Union (cited supra) have held that even if an order of termination is set aside on the ground of violation of principles of natural justice, still an employee is not entitled to reinstatement as a matter of course but can be granted compensation in lieu of the same. So also in the case of Brij Bhushan the Punjab High Court have held that if a Court finds an employee has come through back door without having any qualification, when terminated without complying with the provision of Section 25 (F) and 25(G) still he is not entitled to the benefit of reinstatement. In such premises, the petitioners who have got the appointment by perpetrating fraud, when terminated without notice also cannot be reinstated. Further more, reliance has also been placed in the case of State of Karnataka Vs. M.L.Kesari and Others rendered in a Civil Appeal arising out of SLP (C) No.15774 of 2006, wherein placing reliance in the case State of Karnataka v. Umadevi reported in (2006) 4 SCC 1, unless a person fulfil the criteria for regularisation as laid down in the case of Umadevi (referred supra) he is not entitled to regularisation. Since in this case, the petitioners are not fulfilling the criteria as provided in this settlement under Section 12(3) of the Industrial Dispute Act, they have no case and as such the impugned order of termination need not be interfered with submits the learned counsel for the respondent.

7. To appreciate the contentions raised with regard to the sustainability of the termination order impugned in the different writ petitions it would be apposite to have a look on the same. Since, the contents of the all the termination order are almost same, relevant portion of the termination order in the writ petition No.23447 of 2014 which is the lead case is quoted hereunder:

TERMINATION ORDER

"You have been appointed in our bank as Messenger, vide order dated 27.08.2012 and you have joined the Bank at our Salem Main Branch.

At the time of joining the Bank, you had submitted applications dated 16.12.2011 & 29.08.2012 in Annexure 'A' dated 16.12.2011, you have stated that you have worked from 12.07.2009 to 16.12.2011 at RO Salem.

On verification of our Regional Officer Salem records, it is found that you had worked as Driver for AGM in RO & Salem Main. Hence, it has been confirmed that the application in Annexure 'A' dated 16.12.2011 submitted by you to the bank, wherein you have declared that you were working from 12.07.2009 to 16.12.2011 is not genuine and it is false.

In the undertaking letter dated 16.12.2011 clause (d), you had given a declaration as follows:

"Subsequent to my absorption in Bank's service, if it is found that declaration made by me regarding the period of engagement is found to be false or any of the document submitted by me in support of age, qualification, caste etc., is found to be bogus. I will be liable to be terminated from the Bank's Service".

In application from dated 29.08.2012 you had given a declaration as follows:

"I hereby declare that all the information and particulars given by me in this form are true and correct. I also note that if any of the above statements are incorrect or false or if any material information or particular has been suppressed or omitted therefrom, I am liable to be disqualified and if appointed my appointment will be liable to be terminated without notice or compensation in lieu of notice."

Thus, you had wilfully and with ulterior motive submitted to bank a false certificate in support of your experience to obtain appointment in our bank. Your said act of submitting false experience certificate has disqualified you from employment and your appointment is liable to be terminated without notice or compensation in lieu of notice.

As per clause 2 of the appointment order dated 27.08.2012, issued to you and accepted by you:

"Your services are liable to be terminated, if your work and

conduct are found unsatisfactory, any material information is suppressed by you, the Certificates submitted by you are found to be not genuine, false, forged or tampered with by giving one month's notice or on payment of a month's pay and allowance in lieu of notice."

Accordingly, your services are hereby terminated without notice by invoking the declaration given by you in your applications dated 16.12.2011 & 29.08.2012 and clause 2 of the appointment order dated 27.08.2012 issued to you. The termination order will take effect from the date of this order.

A draft bearing No.815395116 dated 25.03.2014 for Rs.12,772.70, being one month's pay and allowances in lieu of notice period, is enclosed.

Please acknowledge receipt of this notice and enclosure."

8. As it appears, from the aforesaid order of termination impugned in these batch of writ petitions that the termination of the petitioners who were admittedly regular employee by the date of termination is for their alleged mis-conduct i.e. furnishing spurious certificates for seeking appointment in terms of the settlement made under Section 12 (3) of the Industrial Dispute Act. The aforesaid therefore a stigmatized termination and by way of a punishment. No doubt the petitioners had given undertaking that in the event certificates are found to be spurious the same shall entail the termination of their service and the same is also undisputably a term of settlement, notwithstanding the same, the respondent ought to have made an enquiry before arriving into the conclusion that the certificates were spurious giving an opportunity of hearing to the respective writ petitioner in this regard. However without adhering to the same, they have been condemned of obtaining the employment by furnishing spurious certificate hence, a stigmatized termination order was issued to them vide the impugned order in the respective writ petitions. The same is clearly violative of the principle of Audi Alteram Partem, a salutary principle of natural justice. Absolutely no enquiry was made under before issuing such order of termination stigmatizing perpetration of fraud in obtaining the appointment. The termination therefore, being not a termination simplicitor, but by way of a punishment/stigmatized one without conducting any enquiry giving a chance of hearing to the petitioner the same, is violative of the mandate of the Article 14 of the Constitution of India and as such bad in the eye of law. The aforesaid position of law has been well settled in a catena of decisions of the Hon'ble Apex Court one of such is rendered in the case of Satwathi Deswal Vs. State of Haryana reported in 2010 (1) SCC page 126.

9. The contention of the petitioner, placing reliance in the case of Manjeet Singh and Another in Civil Appeal 4330 of

200, so also Barauni Refinery Pragatisheel Shramik Parikshad and others to persuade the Court that in view of the term of settlement in this regard and the undertaking given the same is not a required, appears to this Court to be misconceived inasmuch as the petitioners herein are not challenging such terms of settlement but a stigmatized termination of them, which is in the nature of penalty, without giving any chance of hearing and as such the same could not have been passed. Therefore, the aforesaid ratios of the Apex Court vide the decision cited supra, is of no assignment to defend the impugned order of Industrial Dispute Act passed without adhering to the relevant principles of natural justice/domestic enquiry of such mis-conduct. So far as the reinstatement of the petitioner is concerned no doubt the same cannot be as a matter of course especially when in a Industrial Dispute a person terminated can be given compensation, inspite of his termination is illegal for non-adherence to the principle of Audi Alteram Partem and also the statutory provisions as seen from the decision rendered in the case of Engineering Lugh Udyog Employees' Union (cited supra) and Brij Bhushan (Supra). However, the same was rendered in the peculiar facts and circumstances of the case i.e. in the case of Engineering Lugh Udyog Employees' Union (cited supra) there been compensation was paid in lieu of reinstatement in the Industrial Dispute Act and in the case of Brij Bhushan (Supra) the Court had found that the writ petitioner was a qualified person for appointment. Here in this case, the petitioner claims that they have not furnished any spurious certificate and the same is yet to be enquired into and established before removing the petitioners from service with such stigma giving opportunity to the petitioners. The petitioners are also the beneficiary of a 12(3) settlement under Industrial Dispute Act, in such premises, it cannot be said that the petitioners termination even if it is held to be illegal, they are not entitled to reinstatement. So the contention in this regard of the respondent must fail. So far as ratio in the case of M.L.Kesari and others (cited supra) are concerned, the same was rendered in a case of regularisation not termination of service on the ground of disqualification for absorption obtained pursuant to the scheme/ settlement. Therefore, the same is also no assistance to the respondent to defend the order of termination impugned in these writ petitions.

10. Since in this case, admittedly, the impugned orders of terminations of the writ petitioners have been passed punitively for obtaining the absorption as permanent staff by furnishing allegedly spurious certificate qualifying for absorption without conducting any inquiry though the same is stigmatise one, giving opportunity of hearing to the petitioner as required under law / the principle of natural justice, the same is violative of Article 14 of the Constitution and as such cannot be sustained.

11. Accordingly these writ petitions are allowed. Consequently, the impugned order in the respective writ petitioner terminating the service of the respective writ petitioner and the respondents are directed to reinstate them in the service within a month of receipt/production of the copy of this order. However, the petitioners are not entitled to any backwages on such reinstatement. But it is open to the respondents to proceed against the petitioner on the ground alleged in the termination order if they so desired in accordance with the law and take such steps as permissible under law. Consequently, all the Miscellaneous Petitions stand closed. No costs.

s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

To

1.The General Manager
Indian Overseas Bank
Central Office-Post Box No.3765
Industrial Relations Department
763, Anna Salai, Chennai - 600 002.

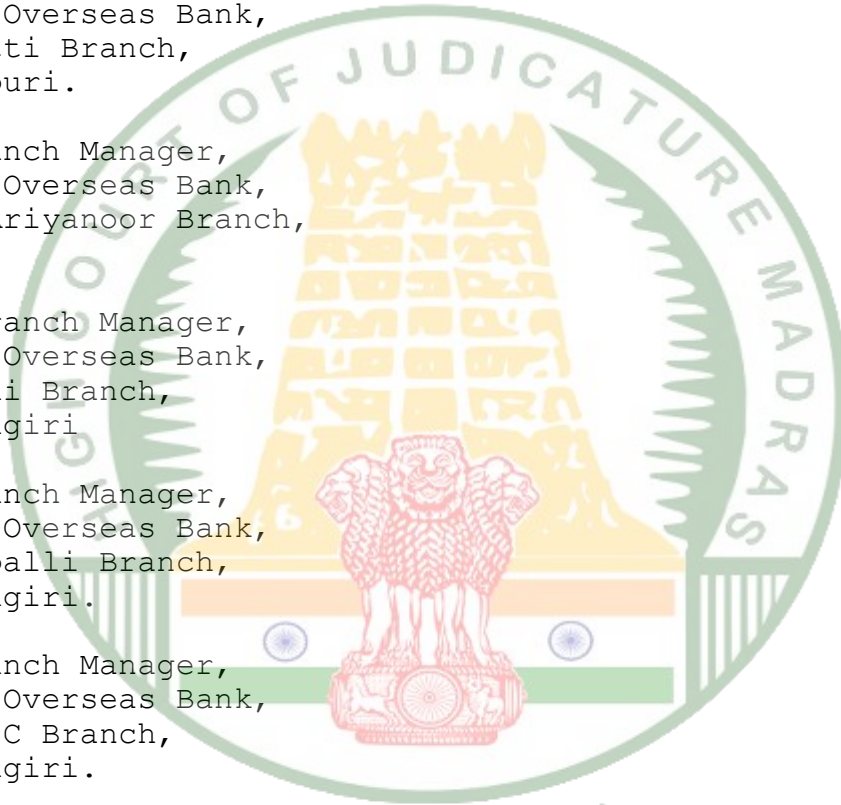
2.The Chief Manager
Indian Overseas Bank
Regional Officer
Personal Administration Department
Ideal Garnen Complex
II Floor, 5 Roads, Salem 636 004.

3. The Branch Manager
Indian Overseas Bank
Salem Main Branch
Salem.

4. The Branch Manager
Indian Overseas Bank
Krishnagiri Branch
Krishnagiri

5. The Branch Manager,
Indian Overseas Bank,
Vivekananda College Campus Branch,
Elayam Palayam,
Namakkal District.

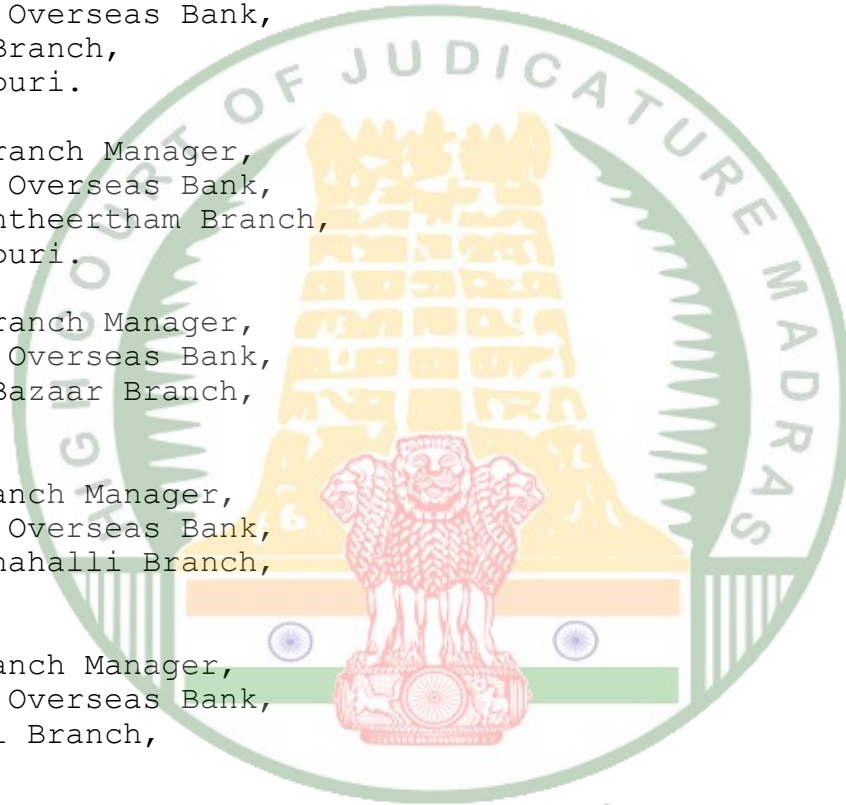
6. The Branch Manager,
Indian Overseas Bank,
Suramangalam Branch
Salem District.
7. The Branch Manager,
Indian Overseas Bank,
Vellalagundam Branch
Salem.
8. The Branch Manager,
Indian Overseas Bank,
Oddapatti Branch,
Dharmapuri.
9. The Branch Manager,
Indian Overseas Bank,
VMEIC Ariyanoor Branch,
Salem.
10. The Branch Manager,
Indian Overseas Bank,
Kallavai Branch,
Krishnagiri
11. The Branch Manager,
Indian Overseas Bank,
Kumudepalli Branch,
Krishnagiri.
12. The Branch Manager,
Indian Overseas Bank,
Hosur IC Branch,
Krishnagiri.
13. The Branch Manager,
Indian Overseas Bank,
Fairlands Branch,
Salem.
14. The Branch Manager,
Indian Overseas Bank,
Periamanali Branch,
Namakkal.
15. The Branch Manager,
Indian Overseas Bank,
Seelanaickenpatti Branch,
Salem.



WEB COPY

16. The Branch Manager
Indian Overseas Bank Kanjamalai SSP Campus
Branch Salem
17. The Branch Manager
Indian Overseas Bank Narasingapuram Branch
Salem
18. The Branch Manager,
Indian Overseas Bank,
T Goundampalayam Branch,
Namakkal.
19. The Branch Manager,
Indian Overseas Bank,
District Court Branch,
Salem.
20. The Branch Manager,
Indian Overseas Bank,
Salem Main Branch,
Salem.
21. The Branch Manager,
Indian Overseas Bank,
Thirumalaipatti Branch,
Namakkal.
22. The Branch Manager,
Indian Overseas Bank,
Dharmapuri Branch,
Dharmapuri.
23. The Branch Manager,
Indian Overseas Bank,
Thimmapuram Branch,
Krishnagiri.
24. The Branch Manager,
Indian Overseas Bank,
Oddapatti Branch,
Dharmapuri.
25. The Branch Manager,
Indian Overseas Bank,
Vellalagundam Branch,
Salem.

26. The Branch Manager,
Indian Overseas Bank,
Hosur Town Branch,
Krishnagiri.
27. The Branch Manager,
Indian Overseas Bank,
Kumudepalli Branch,
Krishnagiri.
28. The Branch Manager,
Indian Overseas Bank,
Indur Branch,
Dharmapuri.
29. The Branch Manager,
Indian Overseas Bank,
Hanumantheertham Branch,
Dharmapuri.
30. The Branch Manager,
Indian Overseas Bank,
Leigh Bazaar Branch,
Salem.
31. The Branch Manager,
Indian Overseas Bank,
Periyanahalli Branch,
Salem.
32. The Branch Manager,
Indian Overseas Bank,
Mecheri Branch,
Salem.
33. The Branch Manager,
Indian Overseas Bank,
Rayakottai Road Branch,
Salem.
34. The Branch Manager,
Indian Overseas Bank,
Periamanali Branch,
Namakkal.
35. The Branch Manager,
Indian Overseas Bank,
Seelanaickenpatti Branch,
Salem.



WEB COPY

36. The Branch Manager,
Indian Overseas Bank,
Kadayampatti Branch,
Salem.

37. The Branch Manager,
Indian Overseas Bank,
Karuvali Branch,
Salem.

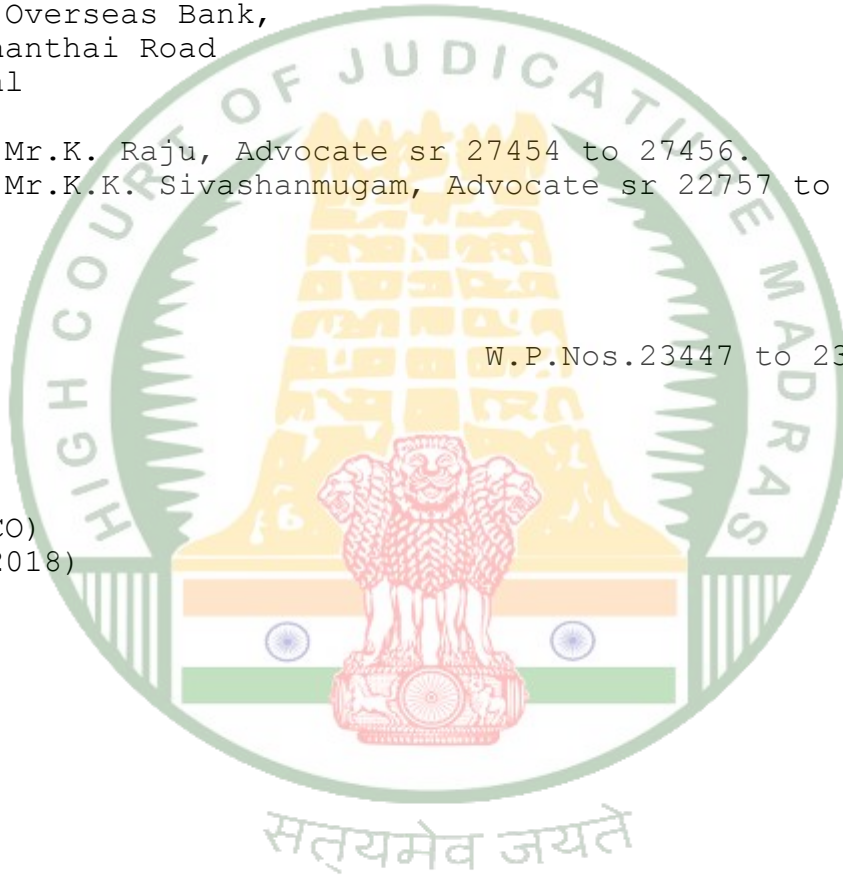
38. The Branch Manager,
Indian Overseas Bank,
Pudanchanthai Road
Namakkal

+3 Ccs to Mr.K. Raju, Advocate sr 27454 to 27456.

+5 Ccs to Mr.K.K. Sivashanmugam, Advocate sr 22757 to 22761.

W.P.Nos.23447 to 23484 of 2014

CP & NRL(CO)
SP(07/05/2018)



WEB COPY