

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. No.23773 of 2011
and
MP No.1 of 2011

The Special Officer,
The Vellore District Central Co-operative Bank Ltd.,
Vellore. ... Petitioner

Versus

1. The Joint Registrar of Co-operative Society,
Vellore Zone,
Vellore.

2. S.Mani ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Certiorari calling for the records of the first respondent, dated 19.07.2011 received by this petitioner / Management on 03.08.2011 in Revision Petition No.1/11/A2 made in Na.Ka.No.1740/2010 A-2, quash the same.

For Petitioner :Ms.G.Thilakavathi, Senior Counsel for
Mr.R.Gopinathan

For Respondents:Ms.T.Girija, Government Advocate for R1
M/s.V.Gowathaman for
M/s.Row & Reddy for R2

ORDER

The petitioner has approached this Court seeking the following reliefs :-

"To issue Writ of Certiorari calling for the records of the first respondent, dated 19.07.2011 received by this petitioner / Management on 03.08.2011 in Revision Petition No.1/11/A2 made in Na.Ka.No.1740/2010 A-2, quash the same".

2. The petitioner is the Management. Having aggrieved by the order of the first respondent, dated 19.07.2011, modifying the penalty of dismissal of service imposed on the second respondent - employee into one of stoppage of increment for a period of three years, the petitioner has come forward with the present writ petition.

3. The second respondent employee was charge sheeted for certain acts of misconduct. An enquiry was conducted. In the enquiry, it was found that the charges were proved. The Management accepted the enquiry report and imposed the penalty of termination of service on 29.11.2010. Against which, the second respondent preferred a revision petition before the first respondent and the first respondent allowed the revision petition by modifying the penalty into one of stoppage of increment for a period of three years.

4. The first respondent having considered all the relevant materials and the circumstances of the case, had come to the conclusion that the penalty of termination of service was too excessive and harsh, particularly in view of the admitted fact that the amount of loss caused to the petitioner bank had been made good by the employee concerned. The revisional authority had also taken into consideration, the past conduct of the second respondent, while modifying the penalty into one of stoppage of increment for a period of three years.

5. Mrs.Thilagavathi, learned senior counsel appearing for the petitioner would contend that the first respondent had not taken into consideration the relevant materials, while modifying the penalty. According to her, the charges framed against the petitioner were very severe and serious in nature and did not call for modification of penalty.

6. On the other hand, learned counsel appearing for the second respondent employee would contend that the order passed by the first respondent is a well considered order and does not call for any interference of this Court.

7. The learned Senior Counsel appearing for the petitioner would submit that although the first respondent did not mention, whether stoppage of increment is with cumulative or without cumulative effect, however, normally, in the absence of specific order, the punishment would always be with cumulative effect.

8. Agreeing with the contentions put forth by the learned Senior Counsel, this Court is of the view that the impugned order passed by the first respondent may be treated as with

cumulative effect and at the same time, this Court does not find any infirmity in the order passed by the first respondent, calling for any interference. No valid grounds have been raised in assailing the impugned order passed by the first respondent justifying the intervention of this Court. In view of the same, the writ petition is devoid of merits and the same is dismissed with the above clarification.

9. The petitioner is directed to comply the order of this Court, within a period of eight weeks from the date of receipt of copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vsi 2

To :

The Joint Registrar of Co-operative Society,
Vellore Zone,
Vellore.

+1cc to Mr.R.Gopinath, Advocate, S.R.No.2228

+1cc to M/s.Row & Reddy, Advocate, S.R.No.1653

+1cc to the Government Pleader, S.R.No. 1879

W.P. No.23773 of 2011

SV(CO)

RRK(02/03/2018)

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