

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.28801 of 2018 and WMP Nos.33665 and 33678 of 2018

Dr.T.E.Thiruvengadam,  
"Ethiraj - Amirthavalli Ullam,  
21/12, Mosque Street,  
West Saidapet,  
Chennai 600 015

Petitioner

Vs

1. Repco Bank  
(Government of India Enterprises),  
33, North Usman Road,  
T.Nagar, Chennai 600 017.
2. The Principal Secretary to Government,  
Ex-Officio Chairman /  
Appellate Authority, Repco Bank.  
Public and Rehabilitation Department,  
Government of Tamil Nadu,  
Fort St. George, Secretariat,  
Chennai 600 009.
3. Managing Director - Incharge/  
Disciplinary Authoirty,  
Repco Bank, Head Office,  
33, North Usman Road,  
T.Nagar, Chennai 600 017.
4. General Manager / Inquiry Authority,  
Repartriates Cooperative Finance and  
Development Bank, Head Office,  
33, North Usman Road,  
T.Nagar, Chennai 600 017.
5. The Director, REPCO Bank,  
Additional Secretary & Financial Advisor,  
Ministry of Home Affairs,  
Government of India, North Block,  
New Delhi 110 001.

6. The Joint Secretary,  
Ministry of Home Affairs,  
Freedom Fighter and Rehabilitation Division,  
NDCC II Building, Jaisingh Road,  
New Delhi 110 001.
7. The Director, REPCO Bank,  
Director of Rehabilitation,  
Government of Tamil Nadu,  
Ezhilagam, Chepauk, Chennai 600 005.
8. The Director, REPCO Bank,  
Principal Secretary to Government,  
Revenue Department,  
Government of Karnataka,  
No.506, 3<sup>rd</sup> Gate, 5<sup>th</sup> Floor,  
M.S.Building, Dr.B.R.Ambedkar Veedhi,  
Bangalore - 560 001.
9. The Director, REPCO Bank,  
Additional Chief Secretary to Government,  
Labour and Skill Department,  
Government of Kerala,  
Room No.138, 2<sup>nd</sup> Floor, North Block,  
Government Secretariat,  
Thiruvananthapuram 695 001.
10. The Director, REPCO Bank,  
Shri.L.Muneeswar Ganesan,  
No.456, 3<sup>rd</sup> Link Road, V Main Road,  
MKB Nagar, Vysarpadi,  
Chennai 600 039.
11. The Director, REPCO Bank,  
Shri.P.Mahalingam,  
Renaissance, Kalamavoor,  
Pudukottai District,  
Pin 622 502.
12. Mr.R.Varadharajan,  
Ex.Managing Director/  
Disciplinary Authority of Repco Bank,  
Present M.D.Repco Home Finance Limited,  
K.G.Prasad Apartment,  
60/49, Third Main Road,  
Gandhi Nagar, Adyar, Chennai 600 020
13. Mrs.R.S.Isabella,  
Executive Director,  
Plot No.23, V.G.Selva Nagar Extn.  
Vijay Nagar, Velacherry,  
Chennai 600 042

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Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for a writ of certiorari to call for the entire records relating to the entire disciplinary proceedings arising out of charge memo No.1 / Emp.No.76/2016 / Admn.DA 1 dated 26.02.2016 issued by the 3<sup>rd</sup> respondent and consequential disciplinary proceedings initiated by 3<sup>rd</sup> / 13<sup>th</sup> respondent and her order of punishment passed in her proceeding Ref.No.1/Emp.No.76/2016/Admn./DA2 dated 08.12.2016, the consequential order made in appeal by the 2<sup>nd</sup> respondent in his proceedings No.34485 RH - III/2016-3 EMP No.76/2016/AA dated 12.07.2017 and the consequential order of the Respondents in the form of show cause notice No.2/Emp No.76/2018/IR/ Review dated 18.09.2018 passed by the respondents and quash the same.

For Petitioner : Mr.P.Wilson, Senior Counsel  
for Mr.M.Manivasaga Associates  
For Respondents: Mr.Om Prakash, Senior Counsel  
for Mr.A.Ilangovan, Standing Counsel  
for R1, R3 and R5

#### ORDER

The petitioner in this case had challenged a notice of show cause issued in a review petition by the Board and the Respondent Bank while exercising the jurisdiction of review held the punishment being a lenient one, decided to proceed against the petitioner for enhancement of penalty / punishment imposed in an appeal and as such, asked him to respond to the said show cause notice.

2. The petitioner has challenged the same interalia on the ground that since this Court in an earlier writ petition had specifically observed that the contention of the petitioner that disciplinary authority's decision is tainted with bias, shall be addressed by the reviewing authority but without addressing the same, the reviewing authority having taken a decision on the merit on the question of delinquency and even issued a notice of show cause for enhancement of punishment, the same being illegal and arbitrary and hence, he has come to challenge the same in this writ petition seeking the relief as stated in the prayer.

3. The learned counsel appearing for the respondents 1, 3 and 5 made their appearance in this case in advance.

4. Mr.P.Wilson, the learned Senior counsel appearing for the petitioner submits that the reviewing authority has passed the order without taking note of the observation of this Court and also issued a notice of show cause, notice be issued seeking the response of the respondents and in the meanwhile, further proceeding in the review be stayed.

5. As it appears that the petitioner has challenged a notice of show cause issued in a review petition for enhancement of sentence, wherein challenging the very decision in the review petition confirming the delinquency of the petitioner said to have been proved in a disciplinary proceeding / domestic enquiry. But review petition is yet to be disposed of. Therefore in the midst of the review petition this Court is not inclined to interfere on the finding of the review petition with regard to delinquency on the grounds stated. Hence, I am not inclined to entertain this writ petition as the same to be pre-matured.

6. However, when this Court is not inclined to entertain the prayer to be pre-matured, at this stage, the learned counsel appearing for the petitioner submits that the same may be disposed of directing the reviewing authority to allow some more time to the petitioner to file show cause as in the meanwhile, the period to file the show cause has been expired and also to dispose of the review in a time bound manner, with further liberty to the petitioner to challenge the final order passed in the review petition, if facts and situations so warrants.

7. Considering the facts and submissions made, therefore, this Court dismiss this writ petition at the stage of admission being pre-matured but giving liberty to the petitioner to approach this Court after disposal of the review petition, if so advised. Further more, it is also observed that if the petitioner files the show cause within 10 days hence, the same shall be accepted and the review petition be disposed of finally within six weeks from the date of receipt of reply to the show cause, if there is no other legal impediment for disposal of the same. But if no show cause is filed within a time stipulated, the reviewing Authority is at liberty to proceed without the show cause. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Asst.Registrar (CS IV )

/true copy/

Sub Asst. Registrar

To

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Vijay Nagar, Velacherry,  
Chennai 600 042

+2cc to Mr.M.Manivasaga Associates, Advocate sr.no.74680

+1cc to Mr.A.Ilangovan, Advocate sr.no.74772

W.P.No.28801 of 2018

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