



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2018

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.8943 of 2018

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T.Chandrasekaran

... Petitioner

-vs-

1. The Indian Bank

Represented by its General Manager (HRM)
HRM Department, 254-260
Avvai Shanmugam Salai,
Royapettah, Chennai - 600 014.

2. The Indian Bank

Represented by its Assistant General
Manager (HRM), HRM Department,
254-260 Avvai Shanmugam Salai,
Royapettah, Chennai - 600 014.

3. The Zonal Manager,

Indian Bank Zonal Office,
Trichy.

... Respondents

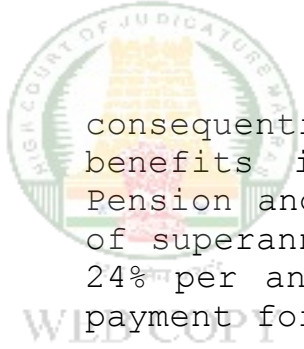
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a WRIT OF CERTIORARIFIED MANDAMUS calling for the entire records, relating to the issue of impugned order Letter Ref.GR.O.16493.2015-2016 dated 30.04.2015 on the file of the 2nd respondent and quash the same in so far as Cessation order is concerned and directing the respondents to allow me to retire from service and consequentially directed the respondents to pay the retirement benefits including Gratuity, Leave Encashment, Provident Fund, Pension and other consequential benefits etc. on attaining the age of superannuation on 30.04.2015 along with interest at the rate of 24% per annum from the date of retirement to till the date of final payment for the delayed period, within a stipulated time.

For Petitioner : Mr.G.R.Sathish

For Respondents : No Appearance

O R D E R

The prayer sought for in this writ petition is for a Writ of Certiorarified Mandamus to call for the entire records, relating to the issue of impugned order in Ref.GR.O.16493.2015-2016 dated 30.04.2015, on the file of the second respondent and quash the same insofar as Cessation order is concerned and direct the respondents to allow the petitioner to retire from service and



consequently to direct the respondents to pay the retirement benefits including Gratuity, Leave Encashment, Provident Fund, Pension and other consequential benefits etc. on attaining the age of superannuation on 30.04.2015 along with interest at the rate of 24% per annum from the date of retirement till the date of final payment for the delayed period, within a stipulated time.

2. The order impugned in this writ petition reads as follows:-

"Ref: GR:O:16493:2015-16

30.04.2015

Mr.T.CHANDRA SEKARAN

SR No:16493

Chief Manager

Indian Bank

Zonal Office

Trichy

Dear Sir,

Sub : Cessation from the Services of the Bank

The Community certificate submitted by you at the time of appointment in the Bank was referred for verification to the State Level Scrutiny Committee. The final report of the appropriate authority relating to verification of your community status has not yet been received and is still pending. The facts of the same are already known to you.

Further DGM/DA has issued Chargesheet ref: CO:HRM:DPC:38:16493:2015-16 dated 25.04.2015 in connection with irregularities reportedly committed by you 1) during your tenure from 07.06.2006 to 08.07.2009 as Branch Manager of Crawford Branch in allowing certain loan documents to get time barred/MOD were not done 2) during your tenure from 09.07.2009 to 16.05.2010 as Senior Manager/Branch Manager of Tennur Branch in allowing certain loan documents to get time barred/missing of Title Deed.

In view of the non-receipt of the final report of the appropriate authority relating to verification of your community certificate and pending Departmental Proceedings against you in respect of the above Chargesheet (ref:CO:HRM:DPC:38:16493:2015-16) dated 25.04.2015, the Competent Authority has decided to place you under cessation of service. Accordingly, you will cease to be in service of the Bank at the close of office hours on the date of superannuation, i.e., 30.04.2015.

Consequently the payment of terminal benefits except your own contribution to PF has been withheld and your entitlement to draw the same will be decided based on the outcome of verification by appropriate authorities of Government of Tamilnadu and conclusion of DP in respect of the Chargesheet (ref:CO:HRM:DPC:38:16493:2015-16) dated 25.04.2015. You are also



not eligible for provisional pension till the outcome of the verification report from Tamil Nadu State Level Scrutiny committee on your Community Status/Certificate.

Yours faithfully,

Sd/-

Assistant General Manager (HRM)

Copy to: Zonal Manager, Zonal Office, Trichy."

3. On scrutiny of the case papers, this Court finds that the very same writ petitioner, challenging the very same impugned order, has approached this Court at its Principal Seat, by filing W.P.No.819 of 2016, with the following prayer:-

"PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records relating to the proceedings in ref.GR:O:16493:2015-16 dated 30.04.2015 of the second respondent and quash the order passed in so far as the denial of the terminal benefits of the petitioner and consequently direct the respondents to disburse the petitioner terminal benefits such as pension, leave encashment, gratuity, etc., with reasonable interest from the date of the dues."

4. By finding these factors, it becomes crystal clear that the very same impugned order dated 30.04.2015, has already been put under challenge in the said writ petition in W.P.No.819 of 2016, where, a Division Bench of this Court, after having shown its indulgence, has passed the following order:

"8. The State Level Scrutiny Committee is directed to decide the matter on merits and as per law as expeditiously as possible and in any case, on or before 03 October 2017. The petitioner is directed to co-operate with the State Level Scrutiny Committee for an early disposal of the matter. We have given sufficient indulgence to petitioner by accommodating him, in view of the difficulty expressed by him that he will be back out of India only till 14 June 2017. In case it is made out that the petitioner is dragging the matter under one pretext or the other, it is open to the State Level Scrutiny Committee to decide the matter on the basis of the available materials. The question of disbursement of retirement benefits to the petitioner should await the result of the scrutiny proceeding.

9. The writ petition is disposed of with the above direction."

<https://hcservices.ecourts.gov.in/hcservices/> Through the petitioner obtained the said order, where a direction was given to the State Level Scrutiny Committee to



decide the community status of the petitioner, viz., the community certificate and pass orders thereon on or before 03.10.2017, the petitioner has filed the present writ petition before the Madurai Bench of Madras High Court with the aforesaid prayer, challenging the very same impugned order dated 30.04.2015.

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6. Therefore, the act of the petitioner is nothing, but a gross misuse of the process of this Court, where the very same impugned order which was challenged and a final order was passed by a Division Bench of this Court at its Principal Seat and once again, the petitioner filed the present petition before this Court challenging the very same impugned order. This kind of unscrupulous litigation should be curtailed and in order to show a tough hand for these kinds of unscrupulous litigants, this Court has no hesitation to hold that this writ petition is liable to be dismissed with exemplary costs.

7. In the result, this writ petition is dismissed, with a cost of Rs.10,000/- (Rupees Ten Thousand only) and the same shall be paid to the Tamil Nadu Mediation and Conciliation Centre attached to the Madurai Bench, within a period of four weeks from the date of receipt of a copy of this order.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-I)

TO

The Section Officer
The Tamil Nadu Mediation and Conciliation Centre
Madurai Bench

+1cc to Mr.G.R.Sathish, Advocate Sr.No.63193

GK

NM/RP/SAR1/28.11.2018/4P/3C

W.P. (MD) No.8943 of 2018
23.04.2018