



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2018

CORAM

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

W.P.(MD) No.13637 of 2011

and

M.P(MD)No.1 of 2011

C.Annamalai

... Petitioner

-vs-

The General manager,
Audit, Inspection &
Vigilance Department,
Pandyan Grama Bank,
No.2-70-a Collectorate Complex,
Virudhunagar District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records in AIVD/898/11-12, dated 17.11.2011 issued by the Respondent to quash the same.

For Petitioner
For Respondent

: Mr.D.Geetha
: Mr.N.G.R.Prasad for
Mr. M.P.Senthil

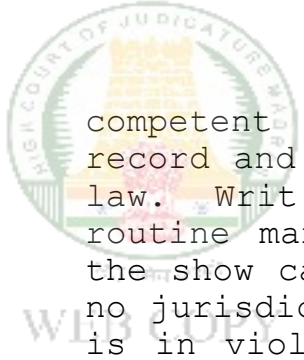
O R D E R

The show cause notice, dated 17.11.2011 issued by the respondent based on the order of conviction passed against the writ petitioner, is under challenge in this writ petition.

2.The writ petitioner was initially appointed as an Office Attendant in the respondent Bank and a criminal case was registered against the petitioner under Section 138 of the Negotiable Instruments Act. Trial was conducted and the writ petitioner was convicted.

3.The learned counsel appearing on behalf of the petitioner made a submission that as against the order of conviction, the petitioner filed an appeal and the writ petitioner was subsequently acquitted from the criminal charges.

4.May that it be, in respect of the present writ petition, show cause notice issued by the respondent vide proceedings, dated 17.11.2011 is under challenge. It is left open to the petitioner to submit his explanation/objection and especially that he is not liable for any further disciplinary proceedings. It is for the



competent authorities to consider all the materials available on record and pass appropriate orders on merits and in accordance with law. Writ against the show cause notice cannot be entertained in a routine manner. The writ proceedings shall be entertained only if the show cause notice was issued by an incompetent authority having no jurisdiction or allegations mala-fides are raised or if the same is in violation of statutory Rules in force. Even in the case of allegation of mala-fides, the person against whom such allegations are made are to be added as party-respondents in his personal capacity in the writ proceedings. In the absence of any one of the legal grounds, no writ can be entertained and judicial review in this regard is certainly limited and the Courts must be cautious before entertaining any such writ petition challenging the show-cause notice.

5. In this view of the matter, the writ petitioner is at liberty to submit his explanation/objections to the show cause notice and on receipt of any such explanation, the competent authorities are at liberty to consider the materials available on record and pass orders on merits and in accordance with law, without causing any further delay.

6. With the above direction, the writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Crl side)

/True copy/

Sub Assistant Registrar

+1cc to Mr.M.P.Senthil, Advocate, SR.44111

W.P. (MD) No.13637 of 2011
24.01.2018

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