

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.7.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.A.No.2309 of 2019

Dr.T.E.Thiruvengadam

Appellant/Petitioner

Versus

1. The Principal Secretary,
Public & Rehabilitation Department,
Govt. of Tamil Nadu,
Fort St. George, Chennai 600 009.

2. The Managing Director,
Repatriates Co-operative Finance
and Development Bank Ltd.
(REPCO Bank)
No.33, North Usman Road,
T.Nagar, Chennai 600 017.

3. R.Varadharajan

Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order of this court dated 19.12.2018 in W.P.No.32487 of 2018.

Prayer in WP No. W.P.No.32487 of 2018 : Writ Petition filed under Article 226 of the Constitution of India, issue a writ of mandamus directing the First Respondent to consider petitioners representation dated 05.03.2018.

For appellant : Mr.M.Sunil Kumar

For R1 : Mr.S.Udhayakumar, AGP

For RR2 and 3 : Mr.A.Ilangovan

JUDGMENT

(Judgment of the court was made by Dr.VINEET KOTHARI, J.)

The Petitioner/Appellant, an ex-employee of REPCO Bank

Limited has filed this Writ Appeal aggrieved by the order passed by the learned Single Judge dated 19.12.2018, dismissing his writ petition while giving him a liberty to raise his grievance against the Respondent Bank before the Authorities concerned in the Government of India.

2. Learned counsel for the Appellant has submitted that the Appellant/Petitioner was the Promoter Director of the said REPCO Bank but, later, it seems that he was suspended from the said service of the Respondent Bank and thereafter, he had approached this court with the allegations that the Respondent Bank failed in its objectives and is being run with the activities which would not subserve the purpose for which it is created. The learned counsel for the Appellant also submitted that it is the main and unique objective of the Bank to help, promote the rehabilitation of repatriates from Sri Lanka, Burma, Vietnam and other countries.

3. The learned Single Judge dismissed the Writ Petition with the following observation:-

"7. The writ petition has been filed seeking a direction to the first respondent, who is the Principal Secretary of Public and Rehabilitation Department, Government of Tamilnadu, to consider his representation seeking various reliefs as mentioned above. But, it is submitted that the first respondent has nothing to do with the Repco Bank, and the first respondent has no power to consider the petitioner's representation, whereas, the petitioner is not in a position to establish that the first respondent has a power to deal with his representation and redress his grievance.

8. In the above circumstances, as the first respondent has no power to deal with the petitioner's representation, the relief sought for in this writ petition cannot be granted. Hence, the writ petition is liable to be dismissed. However, if at all the petitioner has any grievance with regard to the Repco Bank, it is always open to him to approach the concerned authorities seeking for redressal of his grievance.

9. Accordingly, this writ petition is dismissed. No costs."

4. Having heard the learned counsel for the Appellant/Petitioner, we are satisfied that the present Writ Petitioner as well as Writ Appeal has been filed for an oblique motive of bringing the Respondent Bank into disrepute merely because the Appellant/Petitioner appears to have been suspended by the Respondent Bank. Admittedly, since the Respondent Bank

said to have been under the control of Ministry of Home Affairs in the Government of India and a liberty is given to the Appellant/Petitioner to approach the Authority concerned.

5. We do not consider it appropriate to interfere with the order passed by the learned Single Judge. Therefore, while maintaining liberty granted by the learned Single Judge, we dismiss the Writ Appeal. No costs.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

ssk.

To:

1. The Principal Secretary,
Public & Rehabilitation Department,
Govt. of Tamil Nadu,
Fort St. George, Chennai 600 009.
2. The Managing Director,
Repatriates Co-operative Finance
and Development Bank Ltd.
(REPCO Bank)
No.33, North Usman Road,
T.Nagar, Chennai 600 017.

+1cc to Mr.A.Ilangovan, Advocate SR.No.62718

सत्यमेव जयते

W.A.No.2309 of 2019

MR(CO)
GMY(29/08/2019)

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