

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2019

CORAM :

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P. No.20233 of 2019

M.Divakaran

... Petitioner

Vs.

1.The Chairman cum Managing Director,
I.R. Section,
Canara Bank,
Head Office,
Bangalore.

2.The General Manager,
I.R. Section,
Canara Bank,
Personal Wing,
Head Office,
Bangalore.

3.The Assistant General Manager,
HRM Section, Circle Office,
166, T V Swamy Road,
R S Puram (W), Coimbatore - 641 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's appeal dated 28.07.2018 within a reasonable time frame as fixed by this Court.

For Petitioner : Mr.K.S.Karthik Raja

For Respondent : Mr.S.Makesh

O R D E R

This writ petition has been filed for a direction to direct the 1st respondent to consider the petitioner's appeal dated 28.07.2018 within a reasonable time frame to be fixed by this Court.

2.The case of the petitioner is that he joined the services of the respondent Bank in the year 1971 and was working with full co-operation and enthusiasm. In the year 2010, the petitioner, with one Navaneetha Krishnan, in order to achieve the targets, committed certain negligence in the part of KYC norms, etc., due to which, departmental proceedings were initiated against the petitioner. The Disciplinary Authority passed an order of dismissal on 24.03.2012 against the petitioner. The petitioner preferred an appeal before the Appellate Authority, who, confirmed the order of dismissal passed by the Disciplinary Authority. The petitioner submitted various representations to the respondent Bank claiming terminal benefits, but the same were rejected stating that the petitioner is not eligible to receive the same. Therefore, the petitioner preferred an appeal dated 28.07.2018 before the 1st respondent. But due to the inaction of the 1st respondent, the petitioner has filed the present writ petition.

3.Learned counsel for the petitioner submitted that the petitioner is in extreme demand of money and it would suffice if a direction is given to the 1st respondent to consider the appeal of the petitioner within a time frame to be fixed by this Court.

4.Per contra, learned counsel appearing for the respondents submitted that since the petitioner was dismissed from service, he is not eligible to receive pensionary benefits. The learned counsel further contended that the order of dismissal has been confirmed by the Appellate Authority and so far, the order of the Appellate Authority has not been put under challenge by the petitioner.

5.Heard the learned counsel on either side and perused the materials available on record.

6.The order of dismissal passed by the Disciplinary Authority has been confirmed by the Appellate Authority. While the dismissal order is still in force, the petitioner has claimed his pensionary benefits before the 1st respondent. Considering the facts and circumstances of the case, this Court is not inclined to grant the relief sought for by the petitioner in this writ petition.

7. Accordingly, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Chairman cum Managing Director,
I.R. Section,
Canara Bank,
Head Office,
Bangalore.

2. The General Manager,
I.R. Section,
Canara Bank,
Personal Wing,
Head Office,
Bangalore.

3. The Assistant General Manager,
HRM Section, Circle Office,
166, T V Swamy Road,
R S Puram (W), Coimbatore - 641 002.

+1cc to Mr.S.Makesh, Advocate SR.96130

+1cc to Mr.K.S.Karthik Raja, Advocate SR.96232

W.P. No.20233 of 2019

RGN(CO)
CB(28/01/2020)

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