

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2019

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THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.27035 of 2019
and

W.M.P.Nos.26423 and 26425 of 2019

S.Nagarajan

... Petitioner

Vs.

- 1.The Managing Director & Chief Executive Officer,
Personal Department,
Syndicate Bank,
Corporate Office,
2nd Cross, Gandhi Nagar,
Bengaluru, Karnataka State.
- 2.The General Manager,
Personal Department,
Syndicate Bank,
Corporate Office,
2nd Cross, Gandhi Nagar,
Bengaluru, Karnataka State.
- 3.The Assistant General Manager (HR)/IR
Disciplinary Authority,
Syndicate Bank, H.O.Manipal, 576 104,
Karnataka State.
- 4.The Regional Manager,
Syndicate Bank,
Regional Office,
Kochadai - Melakkal Road,
Madurai - 625 016.
- 5.Regional @ Zonal Manager,
HR Cell,Regional Zonal office
Syndicate Bank,
No.69, Armenian Street,
Chennai - 600 002.
- 6.Chief Manager (IR),
Syndicate Bank,
Registered Office

Industrial Relations Divisional
Corporate Office Manipal Wing,
Manipal - 576 104,
Karnataka.

7. Deputy Regional Manager,
Human Resource Cell,
Regional Office II,
2/13, Sri Guru Misri Complex,
II Floor, Kamarajar Street,
West Tambaram, Chennai - 600 045.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent herein in his proceedings Ref: No.214/HRD:IRD/DA-6, dated 14.3.2019 the same has been forwarded by the 6th respondent in his Ref:No.1432/0089/HRD:IRD(O)6316/CSV/2018, dated 15.3.2019 and the same has been affirmed by the proceedings of the 7th respondent herein Ref:366:ROCH:II HR:2019 dated 29.04.2019 and quash the same as illegal, arbitratory and devoid on merit and consequently direct the respondents herein 3, 6 and 7 to restore the petitioner's original scale/Grade from MMGS-II to MMGS-III.

For Petitioners : Mr.P.Gurunathan

O R D E R

This writ petition has been filed seeking to quash the proceedings of the 3rd respondent in Ref: No.214/HRD:IRD/DA-6, dated 14.3.2019, which has been forwarded by the 6th respondent in his Ref:No.1432/0089/HRD:IRD(O)6316/CSV/2018, dated 15.3.2019 and the same has been affirmed by the proceedings of the 7th respondent herein Ref:366:ROCH:II HR:2019 dated 29.04.2019 and for consequential relief.

2.The petitioner was appointed as Probationary Officer through direct recruitment in the Syndicate Bank, Bengaluru, on 03.12.1984. During his service, he has been transferred to other states. While so, when the petitioner was working as Senior Manager at the Regional Office, Madurai, till 20.08.2014, he was placed under suspension vide proceedings Re.No.0521/HRD:IRD/DA-6 dated 18.11.2017 for certain allegations observed in the period between 27.08.2012 and 13.07.2013. The main allegation In the charge memo is that while the petitioner was working as Branch Manager at Theni Branch, the petitioner had availed an agricultural loan of Rs.5 Lakhs from Indian Bank, Thevaram Branch. After availing the loan, the petitioner has gifted one portion of the land to his wife Mrs.Amalrani by way

of gift deed. Thereafter, the petitioner had availed a staff housing loan of Rs.13 Lakhs at Theni Branch against gifted property for construction of a house, for which he did not obtained no objection certificate from his employer-Indian Bank and also that he maintained more than one account at various branches of the bank and failed to inform the reasons to maintain these accounts and certain other allegations. Therefore, an enquiry was conducted and after detailed enquiry and after obtaining the explanation of the petitioner, the original authority viz., Assistant General Manager, Disciplinary Authority in proceedings dated 14.03.2019, imposed a punishment for reduction from MMGS-III to MMGS-II by fixing his basic pay at Rs.40,710/-. Aggrieved by the said proceedings, the petitioner has filed an appeal before the appellate authority on 29.04.2019. However, till date the appellate authority have not passed any order. Hence, the petitioner has filed the present petition challenging the said order.

3.The learned counsel for the petitioner would submit that without going into the merits of the case, it would suffice if a direction is issued to the appellate authority, viz., the 2nd respondent herein to pass order on the appeal within the stipulated time as fixed by this Court.

4.Thus, without going into the merits of the case, this Court is inclined to direct the 2nd respondent Appellate Authority to pass orders on the appeal filed by the petitioner on 29.04.2019 and dispose of the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of copy of this order.

5.With the above direction, this writ petition stands disposed of. No costs. Connected miscellaneous petitions are also closed.

s/d-
Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

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To

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- 2.The General Manager,
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+1 CC to Mr.P.Gurunathan , Advocate sr 78609.

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CA(CO)
SP(16/10/2019)