

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.29050, 28506, 28508, 28510, 28513,
28568, 28572, 29413 of 2019

and

**WMP.Nos.28309, 28306, 28232, 28230, 28228, 28229, 29256, 28833,
28743 of 2019**

J.Srinivasan ... Petitioner in WP No.29050 of 2019
A.Arun ... Petitioner in WP No.28506 of 2019
C.Gowri Shankar ... Petitioner in WP No.28508 of 2019
G.Karunakaran ... Petitioner in WP No.28510 of 2019
J.Karthikeyan ... Petitioner in WP No.28513 of 2019
H.Raja ... Petitioner in WP No.28568 of 2019
V.Kumaran ... Petitioner in WP No.28572 of 2019
M.Sivakumar
A.Sankar
M.Sakthivel
N.Sudhakar
C.Arulmani
V.Naresh Reddy ... Petitioners in WP No.29413 of 2019

Vs.

1. Indian Overseas Bank,
Rep. by its Chief Executive Officer/MD,
Central Office, 763, Anna Salai,
Chennai 600 002.
2. The Chief Manager / Disciplinary Authority/
Indian Overseas Bank,
Central Office, 763, Anna Salai,
Chennai - 600 002.
3. The Chief Manager / Enquiry Officer,
Indian Overseas Bank, Regional Office,
First Floor, No.3, 10th East Cross Road,
Gandhi Nagar, Vellore - 632 006.

..Respondents in all WPs

Prayer in W.P.Nos.29050, 28506, 28508, 28510,
28513, 28568, 28572 of 2019:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified Mandamus to call for the records relating to the impugned letter dated 18.09.2019 issued by the 3rd respondent and to quash the same and consequently, direct the respondents to provide legal assistance to the petitioner in the departmental enquiry held against him pursuant to charge sheet dated 20.11.2018 (in WP No.29050 of 2019), dated 04.12.2018 (in WP No.28506, 28508, 28510, 28513, 28572 of 2019), dated 20.11.2018 (in WP No.28568 of 2019) .

Prayer in W.P.No.29413 of 2019 :-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to provide legal assistance to the petitioners in the departmental enquiry held against them pursuant to charge sheet dated 04.12.2018, 20.11.2018, 04.12.2018, 20.11.2018, 20.11.2018 and 20.11.2018.

For Petitioner : Mr.K.M.Ramesh
in all WPs

For 1st Respondent : Mr.Anandagopalan for
in all WPs M/s.T.S.Gopalan & Co.,

C O M M O N O R D E R

By consent, these writ petitions are taken up for final disposal at the admission stage itself.

2. The case of the petitioners is that the petitioners are the employees of the respondent bank and they were continuously working in the organization without any break for more than 240 days and 8 hours per day. They were paid with wages once in a week i.e on every Saturday. The petitioners were affixing their signature in token of receipt of wages in the vouchers and on those vouchers, wherein, instead of petitioner names, some other names would appeared in the list. Later, the branch Manager obtained the photographs of the petitioners in the printed application forms and their services were regularized and issued the order of appointment as a Messengers to the petitioners on 25.08.2012. Thereafter, the petitioners were terminated from service by order dated 31.05.2014, without being issued any show cause notice or charge Memo. Challenging

the said termination order, the petitioners filed writ petition before this Court in WP No.13339 of 2016 and this Court vide order dated 27.07.2019 set aside the order of termination and granted liberty to the petitioner to issue charge memo by following the normal procedure. Accordingly, the petitioners were reinstated into service by an order dated 03.11.2019 and they were reported for duty on 19.11.2018. However, to the shock and surprise of the petitioner, they were placed under suspension cum Charge sheet issued on 20.11.2018 (in WP No.29050 of 2019), dated 04.12.2018 (in WP No.28506, 28508, 28510, 28513, 28572 of 2019), dated 20.11.2018 (in WP No.28568 of 2019). While that being so, the petitioners made a request to the respondents for permitting them to engage a lawyer in order to contest the disciplinary proceedings. However, the request was rejected by the impugned order. Challenging the said rejection order, the petitioners filed this present writ petition.

3. Heard both sides.

4. The learned counsel for the petitioners submitted that the Hon'ble Supreme Court has granted similar relief to the persons who are similarly situated like that of petitioners and relied upon number of various judgments of the Hon'ble Supreme Court, so also, this Court in WP Nos.14401 of 2017, 4530 of 2017 and 43749 of 2016 had allowed the writ petitions and directed the respondents to provide legal assistance to the petitioners and the said order was challenged before this Court in W.A.No.875 of 2017. The Hon'ble Division Bench has confirmed the order of the learned single Judge and hence, prays for appropriate orders.

5. Mr. Ananda Gopalan, learned counsel for the respondents would submit that though the petitioners have right to seek assistance of the lawyer, the petitioners were the members of the Union they are not entitled to get assistance. However, this Court may fix a time limit to engage a lawyer and to complete the proceedings.

6. Considering the facts and circumstances of the case and also catena of Judgments relied on by the learned counsel for the petitioner, this Court is inclined to grant permission to the petitioners to engage a lawyer for contesting the disciplinary proceedings. However, it is made clear that there cannot be repeated adjournments in the disciplinary enquiry at the instance of lawyer and the entire proceedings has to be completed within a period of three months from the date of receipt of copy of this order.

7.With the above direction, these writ petitions stand disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (Insp.Cell)
04.12.2019

*** Corrected Order to be issued**

Sd/-

Sub Assistant Registrar (CS-II)

02.12.2020

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chief Executive Officer/MD,
Indian Overseas Bank,
Central Office, 763, Anna Salai,
Chennai 600 002.
- 2.The Chief Manager/Disciplinary Authority/
Indian Overseas Bank,
Central Office, 763, Anna Salai,
Chennai - 600 002.
- 3.The Chief Manager/Enquiry Officer,
Indian Overseas Bank, Regional Office,
First Floor, No.3, 10th East Cross Road,
Gandhi Nagar, Vellore - 632 006.

**To be Substituted
the Order already
despatched on
27.01.2020**

+13cc to M/s.K.M.Ramesh, Advocate Sr.No.87031
+1 cc to M/s.T.S.Gopalan & Co., Sr.No.87075

W.P.Nos.29050, 28506, 28508, 28510, 28513,
28568, 28572, 29413 of 2019 and

**WMP Nos.28309, 28306, 28232, 28230, 28228,
28229, 29256, 28833, 28743 of 2019**

AKM/06.12.19/4P-18C/
CS/02/12/2020