



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.15254 of 2019

Subramanian

... Petitioner

Vs.

1.The Chief Manager,
Indian Overseas Bank,
Regional Office,
No.131, East Cart Street,
Tirunelveli Town.

2.The General Manager,
Indian Overseas Bank,
Regional Office,
No.131, East Cart Street,
Tirunelveli Town.

... Respondents No.1 & 2

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondent to pay salary and other monetary benefits to the petitioner for the period *i.e.*, from 10.02.2009 to 25.06.2009, by treating the said period as spent on duty, by considering his representation, dated 02.04.2019, within the period that may be stipulated by this Court.

For Petitioner : Mr.Xavier Selva Raja, G.

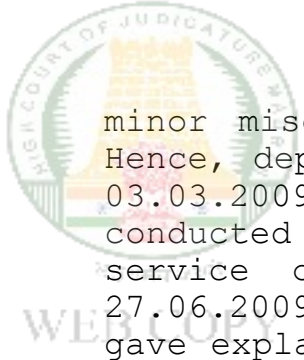
For Respondents : Mr.N.Dilipkumar

ORDER

This Writ Petition has been filed seeking a direction to the the respondents to pay salary and other monetary benefits to the petitioner for the period *i.e.*, from 10.02.2009 to 25.06.2009, by treating the said period as spent on duty, by considering his representation, dated 02.04.2019, within the period that may be stipulated by this Court.

2.Mr.N.Dilipkumar, learned Standing Counsel takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, he was working as a Cashier in the respondent Bank. On 10.02.2009, a suspension order was passed by the first respondent alleging that he has left the Bank premises without informing to his Superiors, which resulted in



minor misconduct causing prejudice to the interest of the Bank. Hence, departmental proceeding was initiated and charge memo dated 03.03.2009 was issued to the petitioner. Further, an enquiry was conducted and on completion of enquiry, he was reinstated into service on 23.06.2009 at Shencottah Branch. Thereafter, on 27.06.2009, a show cause notice was issued to the petitioner and he gave explanation to the same, but, the same was not considered and an order imposing censure was passed by the first respondent on 15.07.2009, based on the apology as per the Memorandum of Bipartite Settlement, dated 10.04.2002. Thereafter, he retired from service on 31.08.2009. But, he has not been paid with monetary benefits for the term, when he was placed under suspension i.e., from 10.02.2009 to 25.06.2009 and after reinstatement, no salary was paid to him till retirement. Hence, the petitioner has sent a representation dated 02.04.2019, to the respondents requesting them to pay his salary for the period when he was placed under suspension, but no action has been taken so far. Therefore, the petitioner has approached this Court by way of filing the present Writ Petition for the relief stated supra.

4.The learned Standing Counsel appearing for the respondents submitted that the first respondent would consider the petitioner's representation dated 02.04.2019 and pass appropriate orders, within a time frame to be fixed by this Court.

5.Recording the abovesaid submission made by the learned Standing Counsel appearing for the respondents, this Court directs the first respondent to dispose of the petitioner's representation dated 02.04.2019, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Chief Manager,
Indian Overseas Bank,
Regional Office,
No.131, East Cart Street,
Tirunelveli Town.



2.The General Manager,
Indian Overseas Bank,
Regional Office,
No.131, East Cart Street,
Tirunelveli Town.

+1CC TO MR.RM.ARUN SWAMINATHAN, Advocate Sr. No.74050
+1CC TO MR.N.DILIP KUMAR, Advocate Sr. No. 74376

W.P.(MD)No.15254 of 2019

GKG(CO)
TR (18.07.2019) 3P 5C