



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2019

CORAM:

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

**W.P. (MD) Nos.20172 to 20174 of 2016, 21023, 21024 of 2016, 7128,
12684 of 2017 and 12833 of 2018**

and

**W.M.P. (MD) Nos.14463 to 14465 of 2016, 15032, 15033 of 2016, 6649,
6651 of 2017 and 11704 of 2018**

K.Shankar	... Petitioner in WP(MD).20172/2016
R.Sathish Kumar,	... Petitioner in WP(MD). 20173/ 2016
S.Sathesh	... Petitioner in WP(MD). 20174/ 2016
V.Sathyamoorthy	... Petitioner in WP(MD). 21023/ 2016
S.Muruganandam	... Petitioner in WP(MD). 21024/ 2016
V.Mahendran	... Petitioner in WP(MD). 7128/ 2017
C.Jayan	... Petitioner in WP(MD). 12684/ 2017
A.Rajkumar	... Petitioner in WP(MD). 12833/ 2018

Vs.

- 1.Indian Overseas Bank,
Central Office, Chennai.
Rep.by its General Manager,
P.B.No.3765, 763, Annasalai,
Chennai 600 002.
- 2.The Indian Overseas Bank,
Regional Office, Thanjavur.
Rep.by its Regional Manager,
KARUPS Tower, Medical College Road,
Thanjavur 613 007.
- 3.Indian Overseas Bank,
Rajagiri Branch,
Thanjavur,
Rep.by its Branch Manager,
V.Kalathur,
Perambalur District.

... Respondents in WP(MD).20172/2016



1. M/s. Indian Overseas Bank,
Central Office, Chennai, Rep. by its General Manager,
Pb.No.3765, 763, Anna Salai, Chennai 600 002
- 2.M/s. Indian Overseas Bank
Regional Office, Thanjavur, Rep. by its Regional Manager,
Karups Tower, Medical College Road, Thanjavur 613 007
3. M/s. Indian Overseas Bank, Rajagiri Branch,
Thanjavur, Rep. by its Branch Manager,
Thirumangalagudi, Thanjavur Dt
... Respondents in WP(MD). 20173/ 2016

1. M/s.Indian Overseas Bank Central Office,
Chennai, Rep. by its General Manager,
Pb No. 3765, 763, Anna Salai, Chennai - 600 002.
2. M/s.Indian Overseas Bank Regional Office,
Thanjavur, Rep. by its Regional Manager, Karups Tower,
Medical College Road, Thanjavur - 613 007.
3. M/s.Indian Overseas Bank Rajagiri Branch, Thanjavur,
Rep. by its Branch Manager, Rajagiri, Thanjavur.
... Respondents in WP(MD). 20174/ 2016

1. M/s.Indian Overseas Bank Central Office, Chennai,
Rep. by its General Manager, Pb.No.3765,
763, Anna Salai, Chennai 600 002
- 2.M/s.Indian Overseas Bank Regional Office, Thanjavur,
Rep. by its Regional Manager, Karups Tower,
Medical College Road, Thanjavur 613 007
3. M/s. Indian Overseas Bank Poondi Branch, Thanjavur,
Rep. by its Branch Manager, Poondi, Thanjavur Dist
... Respondents in WP(MD). 21023/ 2016

1. M/s.Indian Overseas Bank Central Office, Chennai,
Rep. by its General Manager, Pb No. 3765, 763, Anna Salai,
Chennai - 600 002.



2. M/s.Indian Overseas Bank Regional Office, Thanjavur,
Rep. by its Regional Manager, Karups Tower,
Medical College Road, Thanjavur - 613 007.

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3. M/s.Indian Overseas Bank Naranamangalam Branch,
Thanjavur Region, Rep. by its Branch Manager,
Naranamangalam, Thanjavur District.

.. Respondents in WP(MD). 21024/ 2016

1. M/s.Indian Overseas Bank Central Office, Chennai,
Rep by its General Manager, Pb No.3765, 763, Anna Salai,
Chennai-600 002
2. M/s.Indian Overseas Bank Regional Office, Thanjavur,
Rep.By its Regional Manager, Karups Tower,
Medical College Road, Thanjavur-613 007
3. M/s.Indian Overseas Bank Lead Bank, Regional Office,
Thanjavur, Rep.By its Branch Manager, Thanjavur

... Respondents in WP(MD). 7128/ 2017

1. M/s. Indian Overseas Bank, Central Office,
Chennai, Rep. by its General Manager, P.B.No. 3765,
763, Anna Salai, Chennai - 600 002.
2. M/s. Indian Overseas Bank, Regional Office,
Thanjavur, Rep. by its Regional Manager, Karups Tower,
Medical College Road, Thanjavur - 613 007.
3. M/s. Indian Overseas Bank, Perambalur Branch,
Thanjavur Region, Rep. by its Branch Manager,
Perambalur District.

... Respondents in WP(MD). 12684/ 2017

1. M/s.Indian Overseas Bank Central Office, Chennai.
Rep.By its General Manager, Pb No.3765, 763, Anna Salai,
Chennai 600 002.



2. M/s. Indian Overseas Bank Regional Office, Thanjavur,
Rep. By its Regional Manager, Karups Tower, Medical College Road,
Thanjavur 613 007.

... Respondents in WP(MD). 12833/ 2018

Prayer IN WP(MD).20172/ 2016: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for records of the impugned order of the first respondent in No.IRD/184/322/2013-14, dated 07.02.2014 and quash the same and pleased to direct the respondents to reinstate the petitioner in the post as Messenger and pleased to direct them to treat the period of termination to reinstatement as duty for all purpose, with all consequential benefits.

Prayer in WP(MD). 20173/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for records of the impugned order of the 1st respondent in No.IRD/184/389/2013-14, dated 18.2.2014 and quash the same and pleased to direct the respondents to reinstate the petitioner in his post as messenger and pleased to direct them to treat the period of termination to reinstatement as duty for all purpose, with all consequential benefits.

Prayer in WP(MD). 20174/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for records of the impugned order of the 1st respondent in No. IRD/184/349/2013-2014, dated 13.2.2014 and quash the same and pleased to direct the respondents to reinstate the petitioner in his post as messenger and pleased to direct them to treat the period or termination to reinstatement as duty for all purpose, with all consequential benefits.

Prayer in WP(MD). 21023/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for records of the impugned order of the 1st respondent in No.IRD/184/345/2013-14, dated 13.2.2014 and quash the same and pleased to direct the respondents to reinstate the petitioner in petitioner's post as messenger with all consequential benefits.

Prayer in WP(MD). 21024/ 2016 :

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order of the 1st



respondent in No. IRD/184/343/2013-14, dated 13.2.2014 and quash the same and pleased to direct the respondents to reinstate the petitioner in his post as messenger and pleased to direct them to treat the period of termination to reinstatement as duty for all purpose, with all consequential benefits.

Prayer in WP(MD) . 7128/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Certiorarified Mandamus or any other order or direction in the nature of writ calling for records of the impugned order of the 1st respondent in No.IRD/184/394/2013-14 dated 18.02.2014 and quash the same and pleased to direct the respondents to reinstate the petitioner in his post as messenger with all consequential benefits to me.

Prayer in WP(MD) . 12684/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order of the 1st Respondent in No.IRD/184/323/2013-14 dated 7.2.2014 and quash the same and pleased to direct the Respondents to reinstate the Petitioner in his post as Messenger with all consequential benefits to the petitioner.

Prayer in WP(MD) . 12833/ 2018 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order of the 1st respondent in No.IRD/184/391/2013-14, dated 18.02.2014 and quash the same and pleased to direct the respondents to reinstate the petitioner in his post as Messenger with continuation of service and all consequential benefits.

Counsel for Petitioners.

- 1.Mr.R.S.Sivaram in W.P.(MD).Nos.20172 to 20174,
21023, 21024/2016 and 12833/2018
- 2.Mr.C.Padmaraj in W.P.(MD).No.7128/2017
- 3.Mr.M.Siddharthan in W.P.(MD).No.12684/2017

Counsel for Respondent

Mr.N.Dilipkumar in All WPs

COMMON ORDER

These Writ petitions have been filed to quash the impugned order of the first respondent and to direct the respondents to reinstate the petitioners by treating the termination period as duty period for all purpose including with all consequential benefits.



2. When these Writ petitions have been taken up for hearing, the learned counsel for the petitioners submitted that similar issue was considered by this Court in **W.P.No.23447 of 2014** dated 23.03.2018 (**R.Nandha Kumar Vs. Indian Overseas Bank, Chennai and others**), wherein this Court has held as follows:

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"10. Since in this case, admittedly, the impugned orders of terminations of the writ petitioners have been passed punitively for obtaining the absorption as permanent staff by furnishing allegedly spurious certificate qualifying for absorption without conducting any inquiry though the same is stigmatised one, giving opportunity of hearing to the petitioner as required under law / the principle of natural justice, the same is violative of Article 14 of the Constitution and as such cannot be sustained."

3. The learned standing counsel appearing for the respondents has not disputed the said fact and submitted that in the light of the above said judgment of this Court, these Writ petitions may be allowed with a direction to the respondents / Bank to conduct enquiry afresh.

4. In the light of the ratio laid down in the aforesaid said case, the impugned orders passed by the first respondent is hereby quashed. However, the respondents / Bank is at liberty to initiate enquiry afresh and pass orders on merits and in accordance with law, after providing an opportunity of hearing to the parties concerned, within a period of 6 months from the date of receipt of a copy of the order.

5. Accordingly, these Writ petitions are allowed with the above observations. The respondents / Bank shall reinstate the petitioners into service, within a period of 4 weeks from the date of receipt of a copy of the order, without any back-wages.

No costs. Consequently, connected W.M.Ps. are closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The General Manager,
Indian Overseas Bank,
Central Office, Chennai.
P.B.No.3765, 763, Annasalai,
Chennai 600 002.
2. The Regional Manager,
The Indian Overseas Bank,
Regional Office, Thanjavur.
KARUPS Tower, Medical College Road,
Thanjavur 613 007.
3. The Branch Manager, Indian Overseas Bank,
Rajagiri Branch, Thanjavur,
V.Kalathur, Perambalur District.
4. The Branch Manager,
Indian Overseas Bank, Rajagiri Branch,
Thirumangalagudi, Thanjavur Dt
5. the Branch Manager,
Indian Overseas Bank Rajagiri Branch,
Rajagiri, Thanjavur.
6. The Branch Manager,
Indian Overseas Bank Poondi Branch,
Poondi, Thanjavur Dist
7. The Branch Manager,
Indian Overseas Bank, Naranamangalam Branch,
Thanjavur Region,
Naranamangalam, Thanjavur District.
8. The Branch Manager,
Indian Overseas Bank Lead Bank, Regional Office,
Thanjavur
9. The Branch Manager,
Indian Overseas Bank, Perambalur Branch,
Thanjavur Region,
Perambalur District.

1CC TO MR. M. SIDDHARTHAN, ADVOCATE SR 72268
6CC TO MR. R.S. SIVARAM, ADVOCATE SR 72067
1CC TO MR. N.DILIP KUMAR, ADVOCATE SR 72224

TR (16/07/2019) 7P 18C