

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 31.08.2020

CORAM:

THE HON'BLE MR. JUSTICE V.PARTHIBAN

WP No.11280 of 2020

and

WMP No.13749 of 2020

S.Ravichandran

.. Petitioner

-Vs-

1. Indian Overseas Bank,
Rep. By General Manager,
Central Office-Post Box No.3765,
Industrial Relations Department,
763, Anna Salai,
Chennai - 600 002.

2. The Deputy General Manager,
Indian Overseas Bank,
Industrial Relations Department.
763, Anna Salai,
Chennai - 600 002.

3. The Assistant General Manager,
Indian Overseas Bank,
Besant Nagar Branch,
E-140, 3rd Main Road,
Besant Nagar,
Chennai - 600 090.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order bearing No.IRD/184/290/2012-13 dated 15.02.2013 issued by the 2nd respondent and quash the same and consequently direct the Respondents to reinstate the petitioner in service with all attendant and monetary benefits.

For Petitioner : Mr.K.M.Ramesh

O R D E R

This matter is taken up through web hearing, heard and disposed of at the stage of admission itself.

2. The writ petition has been filed seeking for the following prayer:

"for issuance of Writ of Certiorari Mandamus, calling for the records relating to the impugned order bearing No.IRD/184/290/2012-13 dated 15.02.2013 issued by the 2nd respondent and quash the same and consequently direct the Respondents to reinstate the petitioner in service with all attendant and monetary benefits."

3. The case of the petitioner is that he was employed as a Part Time Sweeper, in one of the branches of the respondent Bank. He was originally employed from 07.09.2011. However, his services came to be terminated on 15.02.2013, on the ground that he had submitted a bogus educational certificate for getting employment in the Bank. The said termination letter dated 15.02.2013, issued by the Bank, is put to challenge in the writ petition.

4. Mr.K.M.Ramesh, learned counsel appearing for the petitioner would submit that the Bank had entered into a 12(3) Settlement under the provisions of the Industrial Disputes Act, on 17.02.2011 and in pursuance of which a circular was issued on 23.03.2011, in regard to absorption of Temporary Messengers / Part Time Sweepers, on the basis of certain conditions and norms.

5. According to the learned counsel, the petitioner had fulfilled all the norms, but, unfortunately, his services were not absorbed, as in the case of other similarly placed persons. On the other hand, the services were terminated for the above said reasons. The learned counsel would submit that no prior notice was issued before termination order was issued and therefore, the same was passed in violation of principles of natural justice.

6. The learned counsel would also submit that grave injustice has been done to the petitioner by abruptly terminating his services, without following due process of law. However, in regard to the allegation of production of bogus certificate, nothing has been whispered in the affidavit.

7. Strangely, in the entire affidavit, not even a statement has been made as to why the petitioner has filed the present writ petition, challenging the termination order dated

15.02.2013 in 2020. No attempt has been made in the affidavit to atleast explain as to what happened from 2013 till 2020, when the present writ petition was filed. In fact, the petitioner has also not come up with any explanation as to the allegation made against him in the affidavit regarding the genuineness of the certificate produced by him, at the time of his original appointment in 2011.

8. In any case, from the petitioner's own narrative, he had worked only for a brief period of less than two years and his services stood terminated as early as on 15.02.2013. The relief, as sought in the writ petition towards quashing of the termination letter dated 15.02.2013, at this distance of time, is hopelessly time barred and the writ petition has to be dismissed, on that ground alone. Even otherwise, this Court is of the view that having worked only for less than two years, i.e. as a Part Time Sweeper, the petitioner cannot expect that his services would be counted for regularising him in the sanctioned post.

9. Moreover, when the certificate produced by him in support of his educational qualifications was found to be bogus and on the basis of which, the Respondent Bank had rightly taken action of terminating his services, this Court does not find that the petitioner can have any legitimate cause of action to challenge the impugned termination order.

10. In the complete absence of any averments for non prosecution of his claim from 2013 till 2020, this Court cannot entertain the writ petition, as the writ petition is being hit by severe laches.

11. For the above said reasons, this Court finds that the writ petition is not maintainable and hence, is dismissed. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The General Manager,
Indian Overseas Bank,
Central Office-Post Box No.3765,
Industrial Relations Department,
763, Anna Salai, Chennai - 600 002.

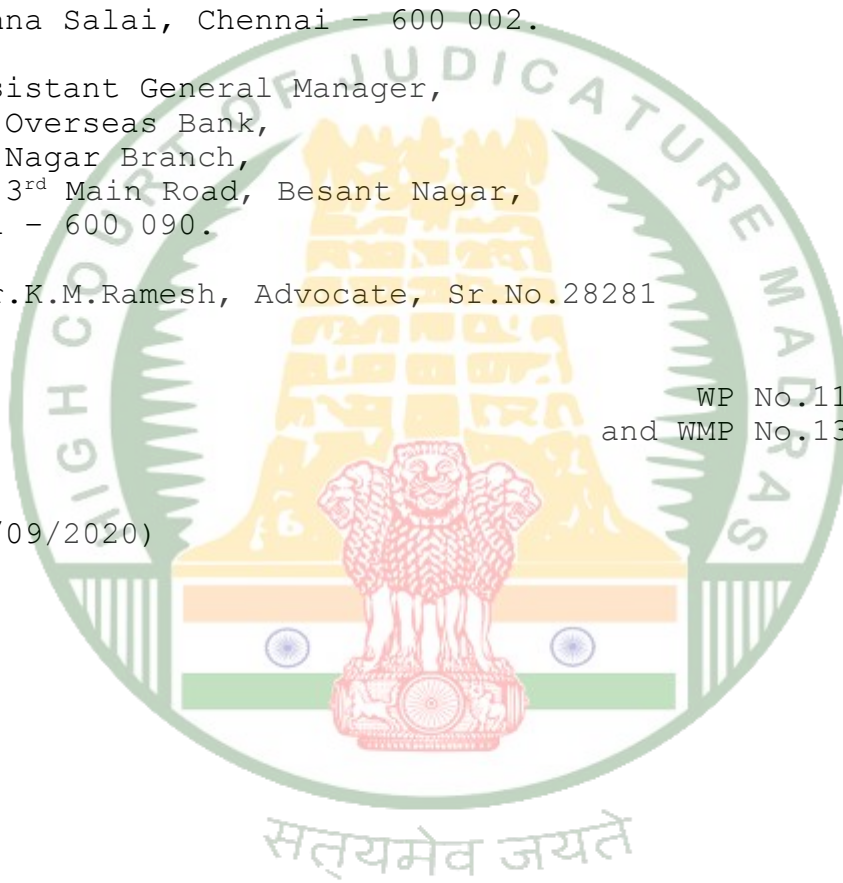
2. The Deputy General Manager,
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3. The Assistant General Manager,
Indian Overseas Bank,
Besant Nagar Branch,
E-140, 3rd Main Road, Besant Nagar,
Chennai - 600 090.

+1cc to Mr.K.M.Ramesh, Advocate, Sr.No.28281

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