



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.6675 of 2009

WEB COPY

1. Pandyan Grama Bank Employees Association,
General Secretary,
Behind R.T.O. Office,
Opposite Collectorate,
Virudhunagar.

2. Pandyan Grama Bank Officers Union,
General Secretary,
Behind R.T.O. Office,
Opposite Collectorate,
Virudhunagar.

... Petitioner

Vs.

Pandyan Grama Bank,
Represented by General Manager,
Administrative Office,
2/70/1, Collectorate Complex,
Virudhunagar - 626 002.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the respondent vide Circular No.PAD/21/2009-10 dated 22.06.2009 and quash the same and consequently direct the respondent to refund the amount deducted from the employees.

For Petitioners	: Ms.D.Geetha
For Respondent	: Mr.K.Srinivasamurthy

ORDER

The Circular issued by the respondent in proceedings dated 22.06.2009 is sought to be quashed in the writ petition and a further direction is sought for to refund the amount deducted from the employees. Pandyan Grama Bank Employees Association and Officers Union are the writ petitioners.

2. The learned counsel appearing on behalf of the writ petitioners mainly contended that the respondent Bank has not followed the procedures contemplated under the service regulations. They had unilaterally taken a decision and issued circular without providing an opportunity to the employees. Such an action is illegal and unsustainable.

3. The petitioners' Association consist of officers as well as the other cadre employees. Therefore, they are filing the writ



petition mainly on the ground that the impugned order cannot be sustained as the procedures contemplated under the service regulations are not followed before issuing the circular.

4. The learned counsel appearing on behalf of the respondent disputed the said contentions by stating that the writ petition itself is not maintainable in view of the fact that the deduction of salary is an individual grievance and the Employees Association cannot file a writ petition with reference to the said grievance. Thus, the writ petition is liable to be dismissed *in limine*. Further, the principles of 'no work no pay' would be applicable in the present case and the employees, who have not worked for a particular day is not entitled to get their salary. Applying the principles of 'no work no pay', no notice needs to be issued. Therefore, the actions of the respondent Bank is in accordance with law and there is no violation as such.

5. This Court is of the considered opinion that the service regulations ought to be followed by the Authorities Competent scrupulously. In the present case, the Employees Association are the writ petitioners. With reference to the deduction of salary, undoubtedly, it relates to individual grievances. Association is entitled to submit representations with the Competent Authorities with reference to the grievances of its employees. However, for filing a writ petition, an individual grievance is to be established and the grievances are with reference to the deduction of pay. In any event, this Court is of the considered opinion that the service regulations ought to be followed scrupulously by the Authorities Competent, while passing orders affecting the service rights of the employees. Undoubtedly no order affecting the service conditions can be passed without following the procedures contemplated. Under these circumstances, it is made clear that the respondent is bound to follow the procedures contemplated in service regulations and take appropriate decisions in the matter of recovery of pay. As far as the circular is concerned, it is a common circular issued and the deduction of salary is concerned, the individual decision is to be taken and accordingly, the said decision is to be communicated to the aggrieved persons. Thus, the relief as such sought for cannot be granted.

6. With these observations, this writ petition stands disposed of. No Costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



PJL

To

The General Manager,
Pandyan Grama Bank,
Administrative Office,
2/70/1, Collectorate Complex,
Virudhunagar - 626 002.

+1 CC to Mr.M.P. SENTHIL, Advocate (SR-19196[F] dated 06/10/2020)

**Order Made in
W.P. (MD)No.6675 of 2009
05.10.2020**

VB (14.10.2020) 3P 3C