



WEB COPY

WP(MD)No.17641 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :03.12.2020

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) No.17641 of 2020

and

W.M.P. (MD) No.14737 of 2020

J.Booma

...Petitioner

Vs

1.The Assistant General Manager,Disciplinary Authority,
Tamilnad Mercantile Bank Ltd.,
Head Office, No.57, V.E.Road,Thoothukudi 628 002.

2.The Chief Manager / Presenting Officer,
Discipline and Fraud Management Cell
Tamilnad Mercantile Bank Ltd.,
Head Office, No.57, V.E.Road,Thoothukudi 628 002.

3.J.Nagarajan,Branch Manager,Tamilnad Mercantile Bank Ltd.,
Pavoorchathiram Branch, Thoothukudi

4.The Enquiry Officer,Assistant General Manager (Law)
Tamilnad Mercantile Bank Ltd.,
Head Office, Thoothukudi.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 4 herein to furnish CCTV footage and Tamil version of deposition of MW-1, Mr.T.Suresh Kumar, submitted before 4th respondent enquiry officer and consequently direct the respondents 1 and 4 herein to reopen the enquiry so as to enable to cross examine the 3rd respondent Mr.J.Nagarajan herein and examine all other persons relied on in the charge sheet.

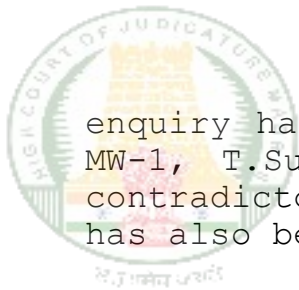
For Petitioner : Mr.V.S.Kumaraguru
For Respondents : Mr.N.Dilipkumar

ORDER

This Writ Petition is filed to direct the respondents 1 and 4 to furnish CCTV footage and Tamil version of deposition of MW-1 and to direct the respondents 1 and 4 to reopen the enquiry for cross examining the 3rd respondent.

2.By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3.According to the petitioner, vide order dated 20.05.2019, she was placed under suspension by the 1st respondent and was also issued with a charge memo dated 28.06.2019, for which, on 29.09.2020, an



enquiry has been conducted by the 4th respondent and after enquiry, MW-1, T.Suresh Kumar, gave deposition with several materials and contradictory evidence to the 4th respondent and a copy of the same has also been furnished to the petitioner in English version.

4.It is the grievance of the petitioner now that though she has made representations dated 03.10.2020, 21.10.2020, 29.10.2020 and 10.11.2020 to the 4th respondent seeking to provide a copy of the deposition of MW-1, T.Suresh Kumar, in Tamil version and also a CCTV footage of the same, so far no action has been taken. Hence, left with no other alternative, the petitioner has approached this Court by way of filing the present writ petition for passing appropriate orders.

5.In reply, Mr.N.Dilipkumar, learned counsel appearing for the respondents would submit that a copy of the deposition of MW-1, T.Suresh Kumar, in Tamil version is not available with the respondents. The learned counsel however would submit that a copy of the deposition of MW-1 in English version will be provided to the petitioner by 07.12.2020, since the same has been provided to the petitioner already. He further undertakes before this Court that the entire enquiry proceedings initiated as against the petitioner will be completed within a period of three months.

6.In view of the submission made by the learned counsel appearing for the respondents and in view of the present pandemic situations, this Court is inclined to pass the following directions:-

i) the respondents are directed to provide a copy of the deposition of MW-1, T.Suresh Kumar, in English version and also a CCTV footage of the same to the petitioner on or before 07.12.2020;

ii) the respondents are also directed to complete the entire enquiry proceedings initiated as against the petitioner within a period of four months from the date of receipt of a copy of this order;

iii) the petitioner is directed to co-operate for enquiry;

7.With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

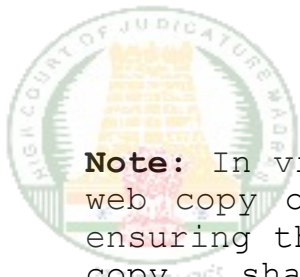
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Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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To

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Pavoorchathiram Branch, Thoothukudi
 - 4.The Enquiry Officer,Assistant General Manager (Law)
Tamilnad Mercantile Bank Ltd.,
Head Office, Thoothukudi.
- +1 CC to M/s.V.S.KUMARAGURU, Advocate (SR-23989[F] dated 04/12/2020)
- +1 CC to M/s.N.DILIP KUMAR, Advocate (SR-24032[F] dated 04/12/2020)

W.P. (MD) No.17641 of 2020
03.12.2020

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AP (09/12/2020) 3P 7C