

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3328 of 2021

B.Thiyagarajan

...Petitioner

Vs.

1. The City Union Bank Ltd.,
Narayana,
No.24B, Gandhi Nagar,
Kumbakonam-612 001
represented by its Disciplinary Authority,
Assistant General Manager
 2. The Disciplinary Authority,
City Union Bank Ltd.,
No.24B, Gandhi Nagar,
Kumbakonam - 612 001.
- ...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the records of the Respondents, particularly that of the 1st Respondent vide AO/HRMD/E-2007/2020-21, dated 31.12.2020 and quash the same as illegal, unlawful, ultra vires and without jurisdiction and consequently direct the Respondents to permit the Petitioner to continue to execute his function as Senior Associate.

For Petitioner : Mr.T.S.Rajamohan

ORDER

Challenging the order dated 31.12.2020 passed by the 1st Respondent vide proceedings in AO/HRMD/E-2007/2020-21 and for a consequential direction to the Respondents to permit him to continue to execute his function as Senior Associate, the Petitioner has come up with this Writ Petition.

2. The Petitioner was issued a Show Cause Notice dated 31.12.2020 and was placed under suspension for serious misconduct. Firstly, against the Show Cause Notice, a Writ Petition will not lie. It is for the Petitioner to put forth his defence before the Disciplinary Authority and it is for the

Disciplinary Authority to consider the genuineness of the Petitioner's claim. As the Petitioner is a workman and as the facts pleaded are in dispute, the Petitioner has to raise a dispute under Section 2(A) of the Industrial Disputes Act, 1947.

3. It is contended by the learned counsel for the Petitioner that, the Petitioner has not been paid Subsistence Allowance and that, principles of natural justice have been violated and that, the punishment imposed on the Petitioner is disproportionate to the charges levelled against him.

4. When an efficacious remedy is available under the Industrial Disputes Act, even the dismissal order passed by the Disciplinary Authority or any other punishment other than the one falling under Section 2(A) of the Industrial Disputes Act, is warranted. It is open to the Petitioner to raise an Industrial Dispute, since the Petitioner has got an alternative remedy, but, no Writ Petition would be entertained against a Show Cause Notice.

5. It is made clear that, the Petitioner shall send explanation within ten days from the date of receipt of the Show Cause Notice, failing which, it is open to the Bank to proceed further, as if there is no explanation at all.

6. This Court makes it further clear that, if a decision has already been taken pursuant to the impugned order dated 31.12.2020, the Petitioner will have to work out his remedy in the manner known to law.

This Writ Petition stands dismissed with the above observations. No costs. Consequently, connected W.M.P.Nos.3784 and 3785 of 2021 are closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The City Union Bank Ltd.,
Narayana, No.24B, Gandhi Nagar,
Kumbakonam-612 001
represented by its Disciplinary Authority,
Assistant General Manager

2. The Disciplinary Authority,
City Union Bank Ltd.,
No.24B, Gandhi Nagar,
Kumbakonam - 612 001.

W.P.No.3328 of 2021

PL(CO)
KKV/11/03/2021



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