IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D : 25.06.2021

C O R A M

The Hon'ble Mr. Justice SENTHILKUMAR RAMAMOORTHY

Writ Petition No.20702 of 2010

and

W.M.P.No.22405 of 2019

Indian Bank Officers' Association
(Tamil Nadu & Pondy)
(Regn. No.3539),
Rep. by its General Secretary,
No.22, Mooker Nallamuthu Street,
Chennai - 600 001. ...Petitioner

Vs.

1.The Secretary
Department of Personnel & Training,
Government of India,
North Block,
New Delhi - 110 001.

2.The Chief Vigilance Commissioner,
Central Vigilance Commission,
Satarkta Bhawan, Block -A,
INA, GPO Complex,
New Delhi - 110 023.

3.The Director,
Central Bureau of Investigation
Bank Security & Fraud (BS & F) Zone,
BSFC IIIrd Floor, CGO Complex,
Lodhi Road, New Delhi - 110 003.

4.The Chairman & Managing Director,
Indian Bank, Head Office,
Chennai - 600 001.

5.The General Manager/
Chief Vigilance Officer,
Indian Bank, Head Office,
Chennai-600 001.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the Respondents herein to consider and dispose of the Petitioner's representation dated 16.12.2009 within a time frame.

For Petitioner : Mr.K.M.Ramesh

For Respondents : Mr.N.Ramesh for R-1 & R-2
Special Panel Counsel
Mr.K.Srinivasan for R-3

O R D E R

The present writ petition has been filed to consider and dispose of the Petitioner's representation dated 16.12.2009. The said representation pertains to the prosecution of employees of Indian Bank in connection with the alleged financial irregularities indulged in by the then management of the said Bank.

2. At the previous hearing, learned counsel for the CBI stated that he would file a report indicating the status of various cases that were instituted in connection with the aforementioned scam. Accordingly, the status report dated 18.03.2021 has been filed. Paragraph 9 of the said report is significant and the said paragraph is set out below:

> '' 9. It is humbly submitted among the 19 court cases pertaining to Indian Bank scam, 10 cases have been disposed by the trial court. 9 cases resulted in the conviction of the accused while 1 case resulted in acquittal. There are 4 cases under final argument stage, in 3 cases prosecution evidence has been closed but the accused is recalling and cross examining witnesses and in 2 cases prosecution evidence is in progress.''

3. From the aforesaid paragraph, it is clear that 19 cases were instituted in relation to the Indian Bank scam. Out of the said 19 cases, 10 cases were disposed of by the trial Court; four cases are said to be at the final argument stage; in three cases, the evidence of the prosecution has been closed; and only two cases are at the stage of recording the prosecution's evidence.

4. The Petitioner has filed an additional affidavit dated 22.03.2021 in response to the aforesaid status report of the CBI. In the said additional affidavit, the Petitioner has

stated that the third Respondent is only a prosecuting agency and, therefore, cannot speak about the sanction accorded by the sanctioning authority, which is the issue raised in the representation and the writ petition. On such basis, the Petitioner further stated that it is for the 4^{th} and 5^{th} Respondents to explain the basis on which sanction for prosecution was granted. By relying upon the aforesaid additional affidavit, learned counsel for the Petitioner contends that the 4th and 5th Respondents should be directed to file their counter affidavit before the case is adjudicated.

5. Upon examining the status report of the CBI, it is evident that significant progress has been made in the prosecution of the 19 cases pertaining to the Indian Bank scam. Therefore, the relief requested by the petitioner, i.e. to consider and dispose of the representation relating to the sanction for prosecution, has been rendered substantially infructuous by subsequent events and developments.

6. Accordingly, W.P.No.20702 of 2010 is disposed of with the above observations and without any order as to costs. Consequently, connected W.M.P. is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rrg

To

1.The Secretary
Department of Personnel & Training,
Government of India, North Block, New Delhi – 110 001.

2.The Chief Vigilance Commissioner,
Central Vigilance Commission,
Satarkta Bhawan, Block -A,INA, GPO Complex,
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Indian Bank, Head Office, Chennai - 600 001.

5.The General Manager/
Chief Vigilance Officer,
Indian Bank, Head Office, Chennai - 600 001.

+1cc to Mr.K.M. Ramesh, Advocate,Sr.29677

W.P.No.20702 of 2010

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NSK 15/07/2021