



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 13TH DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE N.SESHASAYEE

A.No.2180 of 2021

in

C.S.No.81 of 2013

T.R.Ramesh

S/o.T N Ramachandran

Flat No.3B, "Nataraj Apartments"

No.17/8, D'Silva Road,

Mylapore, Chennai-600 004.

..Plaintiff

Vs.

1.Management of Citibank N.A.

Rep. by its (*) Head Employees Relations

No.2 (First Floor) Club House Road,

Anna Salai, Chennai-600 002.

2.Management of Citybank N.A.

Rep. by its Regional Human Resources Manager

No.2 (First Floor) Club House Road,

Anna Salai, Chennai-600 002.

..Defendants

(*) Amended as per order dt.05.01.2015 in application No.8559 of 2014)

A.No.2180 of 2021:

T.R.Ramesh

S/o.T N Ramachandran

Flat No.3B, "Nataraj Apartments"

No.17/8, D'Silva Road,

Mylapore, Chennai-600 004.

..Applicant

Vs.



1. Management of Citibank N.A.
Rep. by its Head Employees Relations
No.2 (First Floor) Club House Road,
Anna Salai, Chennai-600 002.

2. Management of Citybank N.A.
Rep. by its Regional Human Resources Manager
No.2 (First Floor) Club House Road,
Anna Salai, Chennai-600 002.

..Respondents

Application praying that this Hon'ble Court be pleased to direct the Respondent-Bank to produce the following Enquiry Reports.

a) Working conditions of Security Guards, employed by Citi-Bank, on contract basis in their branches, premises and ATMs, which are in violation of Labour Laws of Government of Tamil Nadu, which ethical concern was assigned Ref No:455/07 by the Ethics Office, Citi-Bank, U.S.A.

b) Report submitted by designated Investigation Officer, regarding second Ethical Concern raised by the Applicant viz; Using pre-notirised blank Forms, to open DEMAT -Accounts, which was assigned RE No:549/2007

c) Report submitted by Mr.Ian Gore, Head of Human Resources Department of Citi-Bank in India in the month of August 2008, regarding the grievance, raised by the Applicant viz; In respect of Retaliatory actions meted out to the Applicant.

d) Complete Enquiry Report of Mr.Aditya Mittal, the designated Enquiry Officer, appointed by the Ethics Office of Citi-Bank in U.S.A., submitted to the Ethics Office in U.S.A.

Before this Hon'ble Court, pending disposal of the suit.



This Application coming on this day before this court for hearing the court made the following order:

The plaintiff is a former employee of M/s.Citibank which has its registered headquarters in the U.S.A. According to the plaintiff, the Bank has certain ethical policies in doing business and where there is violation of any of the ethical issues, it has its internal mechanism to address the same. The plaintiff had raised a few ethical issues before the Ethical Committee, and had addressed them to its Office at the bank's Headquarters. The Committee had gone into those issues and had sustained some of them, and rejected few others.

2 Be that as it may, the plaintiff claims that he had gone on a sabbatical for about six months. When he joined the services again, he was not allotted any work for close eighteen months. This was then followed by a termination of his services on 01.02.2011. This document of termination was challenged by the plaintiff under the provisions of Tamil Nadu Shops and Establishment Act, 1947 and it came to be allowed. Challenging the same, the defendants had filed W.P.No.2089 of 2017, and it is pending.

3. During the pendency of the said Writ Petition, the plaintiff has laid the present suit claiming damages for the mental agony consequent to the



W.P.No.11542 of 2013, wherein they contended that the plaintiff could not maintain two parallel proceedings on the same cause. That petition came to be dismissed, and it later came to be confirmed in W.A.No.156 of 2015. In the meantime, the plaintiff attained the age of superannuation.

4.1 As stated above in this suit, the plaintiff seeks damages on the ground that he has suffered mental agony when he was shown the exit door by an Order of termination of his services on 01.02.2011. The plaintiff would also allege that he was forced to sign the document of termination of his services.

4.2 The defendants have filed their written statement, issues have been framed and the trial too has been completed. It is at this stage, the plaintiff has taken out the present application seeking a direction to the defendants to produce the report of Ethics Committee. This is strongly resisted by the defendants.

5. Learned Counsel for the plaintiff would submit that during the cross examination of witness for the defendants, it was conceded that the reports are available, that they are confidential, and that it would be produced only when they are required by the Court.

6. Learned Counsel for the defendants on the other hand would submit that it is not so much about producing the report of the Ethics Committee, but it is all



about the need for producing it when the cause of action for the suit is founded not on the report of the Ethics Committee, but on the Order of termination of services dated 01.2.2011.

7.1 This Court weighed the rival submissions. As rightly contended by the learned counsel for the defendants, the cause of action for the suit is not a fall out of the proceedings of the Ethics Committee, but is founded on the Order of termination. Indeed, the Ethics Committee report is partially in favour of the plaintiff and obviously it could not on its own produce any cause of action. The second leg of the cause for the present action is the mental agony caused by what the plaintiff would term as the forced-termination of his services by the Bank.

8.2. Evidence needs to be adduced by the plaintiff only to those facts which are relevant to prove the cause in issue or relevant to the relevant facts, subject to its admissibility in law. And, they need not be admitted in evidence merely because the party produces them or wants their production, de hors their relevancy.

9. It is here this Court finds that the plaintiff/applicant has not made out a case for directing the defendants to produce the report of the Ethics Committee. If however they are essential and withheld by the defendants, then the



plaintiff/applicant can persuade the Court to draw adverse inference. But surely this Court does not find a case for issuing a direction against the defendants as required by the plaintiff in this application.

10. To end, this application is dismissed.

Sd./-NSSJ
13.09.2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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Jj 27/09/2021