



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2021

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P (MD)No.7570 of 2010

R.Ramalingam

... Petitioner

Vs.

1.The Deputy General Manager/
Appellate Authority,
Disciplinary Proceedings Section,
Zonal Office, State Bank of India,
Mc Donalds Road,
Tiruchirapalli-620 001.

2.The Assistant General Manager(Operations) /
Disciplinary Authority,
Disciplinary Proceedings Section,
Zonal Office, State Bank of India,
Mc Donalds Road,
Tiruchirapalli-620 001.

3.The General Manager,
State Bank of India,
Local Head Office,
Chennai-600 001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus to call for the records relating to the orders in (1) DISCIPLINARY/CON/419, dated 19.03.2008 of the first respondent and (2) DISCIPLINARY/CON/61, dated 26.05.2007 of the second respondent, quash the same and to issue consequential directions to the respondents that the petitioner shall be deemed to have retired from service on 31.05.2007 AN on attaining the age of superannuation, with all consequential service and pensionary benefits.

For Petitioner : Mr.S.Deenadhayalan

For Respondents : Mr.S.Ravindran
Senior Counsel
for M/s Ananth C.Rajesh
Standing Counsel for respondents

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ORDER

This Writ Petition is filed seeking for issuance of a writ of Certiorarified Mandamus to call for the records relating to the orders in (1) DISCIPLINARY/CON/419, dated 19.03.2008 of the first respondent and (2) DISCIPLINARY/CON/61, dated 26.05.2007 of the second respondent, quash the same and to issue consequential directions to the respondents that the petitioner shall be deemed to have retired from service on 31.05.2007 AN on attaining the age of superannuation, with all consequential service and pensionary benefits.

2. The case of the petitioner is that the petitioner, after serving in Indian Military Service, has joined in the State Bank of India as Armed Guard at Thiruthuraipoondi in the year 1980 and subsequently he was promoted as Clerk cum Cashier in the year 1991 and placed at Nagapattinam Branch and subsequently he was transferred to Thirukuvalai Branch. Later, he was transferred to Thiruthuraipoondi Branch as Senior Assistant in the year 2004 and in the year 2007, he was transferred to Aranthangi Branch. While he was working at Thiruthuraipoondi Branch, as Assistant General Manager (cash) for about 8 months, the second respondent initiated disciplinary proceedings in respect of 8 charges relating to the year 2005-2006 and the petitioner was called for explanation and the petitioner also submitted his explanation. Thereafter, an Enquiry Officer was appointed to conduct enquiry and after conducting enquiry, the Enquiry Officer has drawn a proven minute in respect of charges 1 to 5. However, he filed a report by stating that the charges 6 to 8 were not proved. For the proven charges, the Disciplinary Authority imposed a punishment of dismissal from service. The order of dismissal was challenged before the appellate authority and the appellate authority confirmed the order passed by the Disciplinary Authority, against which, the present Writ Petition is filed.

3. Learned Counsel appearing for the petitioner would submit that Since the petitioner has faced serious health issues and in view of the counter affidavit filed by the respondents by stating that there was an alternate remedy available to the petitioner under Section 2(A) of the Industrial Disputes Act, this Court may permit the petitioner to raise an Industrial Dispute before the Central Government Industrial Tribunal at Chennai, within a time limit as fixed by this Court and thereafter, this Court may issue a direction to the Tribunal to dispose of the Industrial Dispute within a reasonable time as fixed by this Court.

4. Learned Counsel appearing for the petitioner would further submit that the petitioner is aged about 77 years and he is facing serious health issues and hence, this Court may issue a direction to the respondents to settle the Gratuity amount and Provident Fund



contribution and other eligible amount within a stipulated period as fixed by this Court.

5. Learned Senior Counsel appearing for the respondents has no serious objection for granting such relief as now sought for by the learned Counsel appearing for the petitioner.

6. Considering the limited prayer as now sought for by the learned Counsel appearing for the petitioner and also considering the consent view expressed by the learned Counsel appearing on either side, without expressing any opinion on the merits of the case, this Court granted liberty to the petitioner to raise the Industrial Dispute before the the Central Government Industrial Tribunal at Chennai, within a period of two months from the date of receipt of a copy of this order. If any industrial dispute is raised before the Tribunal, the Tribunal shall conclude the same within a period of six months from the date of numbering of the industrial dispute, after providing an opportunity of hearing to all the parties. Further the respondents are directed to settle the petitioner's Gratuity amount, Provident Fund contribution and other eligible amount, if not already paid, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/

Assistant Registrar(CS-III)

**(*) Corrected as per order of this Hon'ble
Court dated 24.03.2021.**

Sd/

Assistant Registrar(CS-III)

/True copy/

/ /2021

Sub Assistant Registrar(CS-)

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.

(*)Note:The Registry is directed to return the original documents to the learned counsel for the petitioner, so as to enable him to work out his remedy in the manner known to law, after substituting the same with Xerox copy.



To
(*) to be substituted the order already despatched on 11.03.2021.

The Central Government Industrial Tribunal, Chennai.

WEB COPY

(*) Copy to
The Section Officer, E.R. Section,
Madurai Bench of Madras High Court, Madurai.
(To return the Original documents to counsel
for the petitioner after substituting the same with xerox copy)

+1 CC to M/s.ANANTH C.RAJESH, Advocate SR-8328[F] dated 03/03/2021)

+1 CC to M/s.S.DEENADHAYALAN, Advocate SR-13402)

W.P (MD) No. 7570 of 2010
02.03.2021

SSL
PK/09.03.2021 : 3P/3C

NS (CO)
TR (31.03.2021) 4P 5C