



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.1716 of 2021

S.Muthukumar

...Petitioner

Vs.

1.The Chief General Manager,
Karur Vysya Bank Ltd.,
Human Resource Department,
Central Office,
Karur.

2.The Assistant General Manager,
Karur Vysya Bank,
Central Office,
Karur.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the first respondent to pass order on the appeal preferred by the petitioner dated 14.04.2018

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.Anand Gopalan
for M/s. T.S.Gopalan & Co.

O R D E R

The limited grievance of the petitioner is that he has filed an appeal before the first respondent against the order of dismissal, which is pending from 14.04.2018 and therefore, he seeks for a direction for expeditious disposal.

2.The learned counsel for the respondent raised a preliminary ground on the maintainability of the writ petition that an alternative remedy available to the petitioner would be under the provision of the Tamil Nadu Shops and Establishments Act and that the writ petition itself is not maintainable against the Private Bank. In support of such submission, he would rely upon a judgment of the Hon'ble Division Bench of this Court in the case of **B.Anitha Vs General Manager-HRD, Appellate Authority, Karur Vysya Bank Limited and others** in W.A(MD) No.1500 of 2019. As rightly pointed out by the learned Standing Counsel for the respondent, the Hon'ble



Division Bench had held in Paragraph No.17 of the said judgment that the Private Bank will not come within the purview of Article 12 of the Constitution of India to enable the Bank employee to maintain the writ petition.

WEB COPY 3. However, the learned Standing Counsel for the respondents would fairly submit that they intend to dispose of the appeal as expeditiously as possible, which could be made within a period of three months.

4. Though the writ petition cannot be strictly maintained before this Court, by taking into consideration the submission of the learned Standing Counsel for the respondents and also the fact that by directing the petitioner to exhaust the alternate remedy would consume considerable time, the ends of justice could be secured, if the first respondent is directed to conclude the appeal proceedings within a period of three months.

5. Accordingly, there shall be a direction to the first respondent to complete the appeal proceedings dated 14.04.2018 as expeditiously as possible, in any event, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(RTI)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

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.



To:-

1.The Chief General Manager,
Karur Vysya Bank Ltd.,
Human Resource Department,
Central Office,
Karur.

+1 CC to M/s.T.S.GOPALAN & CO, Advocate (SR-5782[F] dated
17/02/2021)

+1 CC to M/s.V.PANNEER SELVAM, Advocate (SR-6015[F] dated
18/02/2021)

W.P.(MD) No.1716 of 2021

ES(CO)

TR(16.03.2021) 3P 4C