



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 30.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

**W.P(MD)No.5245, 5294, 5296, 5299,
5350, 5358, 5365 and
5305 of 2020**

and

**W.M.P(MD)Nos.4575, 4602, 4604, 4607, 4634, 4640, 4648 and
4611 of 2020**

W.P(MD)No.5245 of 2020

C.Jeyan	...Petitioner in WP(MD) 5245 of 2020
K.Shankar	...Petitioner in WP(MD) 5294 of 2020
V.Mahendran	...Petitioner in WP(MD) 5296 of 2020
A.Rajkumar	...Petitioner in WP(MD) 5299 of 2020
V.Sathiya Moorthy	...Petitioner in WP(MD) 5350 of 2020
R.Sathishkumar	...Petitioner in WP(MD) 5358 of 2020
S.Muruganantham	...Petitioner in WP(MD) 5365 of 2020
S.Sathesh	...Petitioner in WP(MD) 5305 of 2020

Vs

1.The Chief Manager/Disciplinary Authority,
Indian Overseas Bank,
Central Office,P:B.No.3765,
763, Anna Salai,
Chennai - 600 002.

2.The Chief Manager/Enquiry Officer,
Indian Overseas Bank,
Regional Officer,
Thanjavur.

... Respondents in all Wps



Prayer in WP(MD) . 5245/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondents to produce the documents requested by the Petitioner in his representation dated 19.1.2020 and to examine the Manager who gave the service certificate to the Petitioner within a time frame as this Honourable Court may deem fit and proper

Prayer in WP(MD) . 5294/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondents to produce the documents requested by the Petitioner in the Defense Representatives representation dated 15.1.2020 and to enable examination of the Manager who gave the service certificate to the Petitioner within a time frame as this Honourable Court may deem fit and proper

Prayer in WP(MD) . 5296/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondents to produce the documents requested by the petitioner in his representation dt. 26.11.2019 and to examine the Manager who gave the service certificate to the petitioner .

Prayer in WP(MD) . 5299/ 2020 :

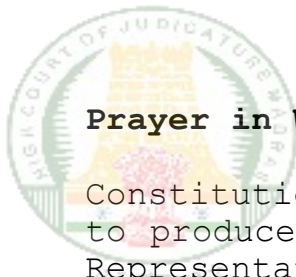
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondents to produce the documents requested by the Petitioner in the Defense Representatives representation dated 15.1.2020 and to enable examination of the Manager who gave the service certificate to the Petitioner within a time frame as this Honourable Court may deem fit and proper

Prayer in WP(MD) . 5350/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondent to produce the documents requested by the petitioner in the Defense Representatives representation dt. 19.01.2020 and to enable examination of the Manager who gave the service certificate to the petitioner.

Prayer in WP(MD) . 5358/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the respondent to produce the documents requested by the petitioner in the Defense Representatives representation dt 15/01/2020 and to enable examination of the Manager who gave the service certificate to the petitioner .



Prayer in WP(MD). 5365/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court directing the respondents to produce the documents requested by the petitioner in the Defense Representative representation dated 26.11.2019 and to enable examination of the Manager who gave the service certificate to the petitioner within a time frame as this Honourable Court may deem fit.

Prayer in WP(MD). 5305/ 2020 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Directing the respondent to produce the documents requested by the petitioner in the Defense Representation dt. 15.01.2020 and to enable examination of the manager who gave the service certificate to the petitioner.

For Petitioner : Ms.D.Geetha (in all Wps)
For Respondents : Mr.N.Dilip Kumar (in all Wps)

ORDER

These writ petitions are filed for a very same relief for a mandamus directing the respondents to produce the documents requested by the petitioners in the domestic enquiry contemplated against the petitioners.

2.The petitioners, who were appointed as casual workers in the respondent bank in the year 2009 are facing departmental proceedings for the charge that they entered into the service in a fraudulent manner without any valid certificates.

3.The learned Counsel for the petitioners submits that during the enquiry the management relied on six documents as exhibits and one of those documents was pertaining to the appointment of the Messengers, but that document is an incomplete document and it contained only half a page report along with service particulars of Messengers and Sweepers. After going through that document, the defence representative of these petitioners sought for the following documents from the respondent management:

- i) Appointment order / letter of investigating officers namely R.S.Mani, Viswanathan by competent authority to investigate the cases pertaining to Tanjore region.
- ii) Acknowledgement of CBI authority for having received all the original documents with details.
- iii) The joint investigation report submitted by the investigation officers.
- iv) Original investigation report if readily available else, the certified copy of the same from the holder / seizure of the documents.
- v) to make arrangements to summon the manager/s who issued the service certificate and also the manager/s who had verified the



branch documents/ records to ascertain the genuineness of staff members (CSE) who had worked at the concerned branches.

- vi) Consolidated list of names for absorption of Messengers / Part time Sweepers of Tanjore region with the recommendations of Regional Authority forwarded to CO as per circular.

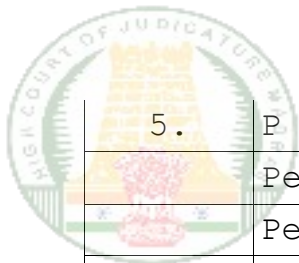
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4.The learned Counsel for the petitioners further submits that the enquiry officer refused to provide the documents, which were sought for by the petitioners. The documents sought for by the petitioners and examination of the Managers, who issued service certificates, are essential for arriving at a decision in the enquiry. The enquiry officer, without considering the request of these petitioners and without providing those additional documents, proceeded with the enquiry, depriving the right of the petitioners to defend themselves and therefore, the petitioners have approached this Court.

5.In response to the same, the learned Counsel for the respondents submits that the petitioners were appointed on various dates during the year 2012 as Messengers in the respondent bank and at the time of joining in the Bank, they produced certificates in support of their experience. At a later point of time, on verification it came to know that the certificates produced by the petitioners were false. Therefore, the petitioners were terminated from service by the respondent Bank. While so, the petitioners approached this Court and based on the directions of this Court, the petitioners were reinstated into service reserving their right to initiate appropriate action against the petitioners with regard to the irregularity. Subsequently, departmental proceedings were initiated against the petitioners and charge sheet cum suspension order has been issued to the petitioners.

6.The learned Counsel for the respondents further submits that in the domestic enquiry, the petitioners have sought for certain documents as above. The said documents are sought for by the petitioners, only to protract the enquiry and the documents have no relevance with the domestic enquiry. Further, the documents relied on by the respondents have already been furnished to these petitioners. The learned Counsel has also drawn the attention of this Court to the management documents, relied on by the respondents in the domestic enquiry, which reads as follows:

Sl.No	Description of Documents
1.	Industrial Relations Department CO circular Nos.Est/71/2010-11, dated 23.03.2011.
2.	Annexure A- Undertaking letter of charge sheeted employee along with branch manager's certificate
3.	Application of charge sheeted employee
4.	Appointment letter given to charge sheeted employees



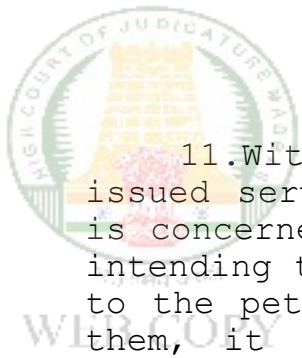
5.	P and L extract for the relevant period
	Perambalur 7451 21.05.2009 to 31.03.2011
	Perambalur 7452 21.05.2009 to 31.03.2011
	Perambalur 7490 21.05.2009 to 31.03.2011
6.	CBI acknowledgement for evidencing the originals with them
7.	Newspaper publication
8.	Investigation report dated 03.01.2014 of R.S.Mani

7.The learned Counsel further submits that the document cited as Item No.1 in the request itself would expose the purpose for which the request has been made by the petitioners to delay the process of enquiry. Insofar as the request for the appointment order or letter of the investigation officers viz., R.S.Mani and Viswanathan is concerned, they are the competent authorities to investigate the issues pertaining to Tanjore region and these petitioners, who are facing charge of fraud, have no locus to seek for appointment order of the investigation officers and no purpose would be served by getting those documents. Moreover, the enquiry report dated 03.01.2021, has been furnished to the petitioners as sl. No.8 in the management documents, relied on by the Management.

8.Insofar as the second document, viz., the acknowledgement of the CBI for having received all the original documents with details is concerned, investigating agency has already seized off the matter, registered a case and is conducting investigation. Further, the petitioners, who are facing criminal charges have no right to question the investigation of the CBI. Therefore, this document is also sought only to protract the proceedings. However, it is referred in the Sl.No.6 of the management documents that the CBI has acknowledged for evidencing the originals with them.

9.With regard to the third document, the learned Counsel submits that preliminary enquiry was ordered by the management through one Mani as well as one Viswanathan, both have conducted joint enquiry and filed the report dated 03.01.2014, which was also furnished to the petitioners as Sl.No.8 in the management documents relied on by the respondents. However, since it has been mentioned as R.S.Mani instead of Mani, taking advantage of the same, request is made by the petitioners in order to drag on the proceedings. Further the enquiry officers Mani and Viswanathan were also enquired by the department during the domestic enquiry.

10.With regard to document No.4 the original investigation report or certified copy of the same from the holder / seizure of the documents is concerned, the learned Counsel submits that as already pointed out, in Sl No.6 in the Management documents, it has already been mentioned that CBI has acknowledged evidencing the original documents with them.



11.With regard to request No.5 to summon the managers, who issued service certificates and who verified the said certificates is concerned, the learned Counsel submits that the respondents are intending to examine those managers, who issued service certificates to the petitioners and if the petitioners are intending to examine them, it is always open to the petitioners to produce them as witness during the enquiry and they have no objection for the same.

12.With regard document No.6, the consolidated list on absorption of messengers / part time sweepers with the recommendations of the regional authority is concerned, it is submitted by the learned Counsel that the respondents have furnished all the documents sought for by the petitioners and allowed them to cross examine all the witnesses on the side of the respondents. Therefore, the petitioners have sought for the documents in order to drag on the enquiry proceedings

13.This Court paid its anxious consideration to the rival submission and perused the materials placed on record.

14.These petitioners are facing criminal charges of fraudulent entry into service by getting some false certificates from some of the managers. Enquiry has been contemplated and the case has been registered, CBI is investigating the matter and during the domestic enquiry, these petitioners have sought for the following documents.

i. Appointment order / letter of investigating officers namely R.S.Mani and Viswanathan by competent authority to investigate the cases pertaining to Tanjore region.

ii. Acknowledgement of CBI authority for having received all the original documents with details.

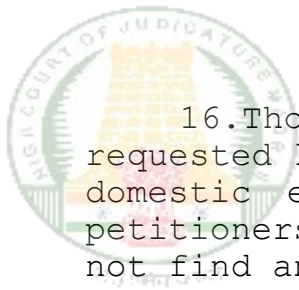
iii. The joint investigation report submitted by the investigation officers.

iv. Original investigation report if readily available else, the certified copy of the same from the holder / seizure of the documents.

v. To make arrangements to summon the manager/s who issued the service certificate and also the manager/s who had verified the branch documents/ records to ascertain the genuineness of staff members (CSE) who had worked at the concerned branches.

vi. Consolidated list of names for absorption of Messengers / Part time Sweepers of Tanjore region with the recommendations of Regional Authority forwarded to CO as per circular.

15.As rightly pointed out by the learned Counsel for the respondents, document Nos.2 and 4 sought for by the petitioners have already been acknowledged by the CBI and the same have also been served on the petitioners as Sl.No.6 in the management documents relied on by the management. Insofar as document No.3 the enquiry report is concerned, it is seen the enquiry report is also furnished to the petitioners as Sl.No.8 in the management documents.



16. Though it is claimed by the petitioners that the documents requested by the petitioners are essential for just decision in the domestic enquiry, it seems that the documents requested by the petitioners are irrelevant for the domestic enquiry. This Court does not find any merit in these writ petitions.

17. In the light of the above discussion, these writ petitions are dismissed. However, considering that the domestic enquiry has been stalled by the petitioners for the past two years, this Court deems it fit to direct the respondents to conclude the enquiry within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Dsk

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 Manager/Disciplinary Authority,
Indian Overseas Bank,
Central Office,P:B.No.3765,
763, Anna Salai, Chennai - 600 002.

2.The Chief Manager/Enquiry Officer,
Indian Overseas Bank,
Regional Officer,Thanjavur.

+8 CC to M/s.D.GEETHA, Advocate (SR-36938 to 36945[F] dated 02/12/2021)

+2 CC to M/s.N.DILIPKUMAR, Advocate (SR-368767,36879[F] dated 01/12/2021)

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