



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.11.2021**

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.11018 of 2014

and

M.P(MD)No.1 of 2014

WEB COPY

M.Anthony Johnson

... Petitioner

vs.

1.The General Manager,
Indian Overseas Bank,
763, Anna Salai,
Chennai - 600 002.

2.The Chief Manager,
Indian Overseas Bank,
26/7, College Road,
Karaikudi - 630 002.

3.The Manager,
Indian Overseas Bank,
Pallathur Branch,
Ramnad District.

4.The Manager,
Indian Overseas Bank,
LBO Pudukottai Branch.

5.The Manager,
Indian Overseas Bank,
Ambalpuram Branch.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the first respondent in IRD/184/387/2013-2014 dated 04.03.2014 and quash the same and further directing the second respondent to reinstate the petitioner in service with all back wages.

For Petitioner : Mr.V.S.Kumaraguru

For Respondents : Mr.M.P.Senthil,
for R1.

ORDER

This writ petition has challenged the termination order dated 04.03.2014 passed by the first respondent on the ground that the petitioner has not worked for 240 days and it is not genuine.



2. The brief of facts of the case is that the petitioner has completed Secondary School Leaving Certificate Examination in the year 1996 and has joined as a Temporary Messenger in the fourth respondent Branch from September 2008 to January 2011. Thereafter, the petitioner again joined as a Temporary Messenger at the fifth respondent Branch in the leave post and was working upto April 2011.

3. The claim of the petitioner is that the petitioner has worked for 240 days as a Temporary Messenger in fourth respondent Branch and for more than three months in the fifth respondent Branch. Based on this, the petitioner has applied for Permanent Messenger post in the third respondent Branch. The second respondent has invited the petitioner to attend the interview along with the connected documents on 02.08.2012. The petitioner's certificates were verified and after verification, the petitioner was appointed in the third respondent Branch on 07.11.2012. However, all of a sudden, the petitioner was terminated from service vide impugned order dated on 04.03.2014, for the reason, that the petitioner has not put up 240 days of service continuously and the undertaking letter enclosed in Annexure 'A' is not genuine.

4. It was represented by the parties that the similar issue came up before the Principal Bench in W.P.Nos.18854 and 18855 of 2018. In that order, again a reference is shown that a similar order is passed in W.P(MD)Nos.23447, 23449 of 2014, etc., (batch) and those writ petitions were allowed vide order dated 23.08.2018 and the operative portion of the said order is extracted below:

"11. Accordingly, these Writ Petitions are allowed. Consequently, the impugned orders in the respective writ petitions terminating the service of the respective writ petitioner are quashed and the respondents are directed to reinstate them in the service within a month on receipt/production of the copy of this order. However, the petitioners are not entitled to any backwages on such reinstatement. But it is open to the respondents to proceed against the petitioners on the ground alleged in the termination order, if they so desire in accordance with law and take such steps as permissible under law. Consequently, all the Miscellaneous Petition are closed. No costs."

5. Following that, in W.P.(MD)No.18844 of 2018 also, an order was passed and the same is extracted hereunder:

"6. Thus, in the light of the earlier order passed by this Court, vide its order dated 23.03.2018, passed in W.P.Nos.23447, 23449 etc., of 2014., this Court is of the view that the present Writ Petitions can also be disposed of on the same lines. Accordingly, both the Writ Petitions stand



allowed. Consequently, the impugned orders in the respective writ petitions terminating the service of the petitioners are quashed and the respondents are directed to reinstate them in the service within a month on receipt/production of a copy of this order. However, the petitioners are not entitled to any backwages on such reinstatement. But it is open to the respondents to proceed against the petitioners on the ground alleged in the termination order, if they so desire, in accordance with law and take such steps as permissible under law. Consequently, all the Miscellaneous Petition are closed. No costs."

6. Thus, in the light of the earlier order, the present writ petitions is also disposed of on the same lines.

7. Accordingly, this writ petition stands allowed. Consequently, the impugned order in this writ petition terminating the service of the petitioner is quashed and the respondents are directed to reinstate them in service within a month on receipt of copy of this order. However, the petitioner is not entitled to any backwages, on such reinstatement based on the principle of "No Work, No Pay". But, it is open to the respondents to proceed against the petitioners on the ground alleged in the termination order, if they so deserve, in accordance with law and takes such steps as permissible under law. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar(CS)

btr/gbg

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.

+1 CC to M/s.V.S.KUMARAGURU, Advocate (SR-34226[F]dated 12/11/2021)
+1 CC to M/s.M.P. SENTHIL, Advocate (SR-34160[F] dated 11/11/2021)

W.P. (MD)No.11018 of 2014

and

M.P(MD)No.1 of 2014

Dated:10.11.2021