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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6162 of 2022

and

W.M.P.Nos.6239 and 6240 of 2022

Promod Kumar Thakur

... Petitioner

Vs.

1. Indian Overseas Bank
Represented by its MD and CEO
Central Office,
763 Anna Salai
Chennai - 600 002.
2. Indian Overseas Bank
Represented by GM, HRMD
Central Office,
763 Anna Salai
Chennai - 600 002.
3. Indian Overseas Bank
Represented by GM and Disciplinary Authority
Central Office,
763 Anna Salai
Chennai - 600 002.
4. Chief Regional Manager
Indian Overseas Bank
Rachna Building, Rajendra Place
New Delhi - 110008.

...Respondents

Prayer: Writ Petition is filed under Section 226 of the Constitution of India, seeking to issue a Writ of Certiorari, call for the records pertaining to the Charge Sheet issued by the 3rd Respondent herein dated 11.02.2021 and quash the same on the grounds of illegality, violation of principles of natural justice, violation of system and procedure and victimization of employee.

For Petitioner : Mr.Pramod Kumar Thakur
(Party-in-Person)



For Respondents: Mr.N.G.R.Prasad

ORDER

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This writ petition has been filed seeking for issue a Writ of Certiorari, calling for the records pertaining to the Charge Sheet issued by the 3rd Respondent herein dated 11.02.2021 and quash the same on the grounds of illegality, violation of principles of natural justice, violation of system and procedure and victimization of employee.

2. The allegation of the petitioner is that despite his efforts seeking for the documents for perusal, the respondents have not granted permission for perusal of the documents.

3. The learned counsel appearing for the respondents/bank, on instructions, would submit that the Chief Regional Manager has advised the petitioner to visit the branch and gave 7 working day time from 23.08.2021 to 31.08.2021 for perusal of the documents. The petitioner did not appear for the preliminary enquiry held on 08.10.2021 and the petitioner attended the hearing through webex. Again, he made a representation to the Disciplinary Authority that he had not received the documents and the Disciplinary Authority by its reply letter dated 13.01.2021 advised him to attend enquiry. The enquiry was posted on 31.01.2022. The enquiry was held on various dates on 31.01.2022, 03.02.2022, 04.02.2022, 05.02.2022, 11.02.2022 and 14.02.2022. He has sought for 15 days time for submission of defence brief. On 23.02.2022, once again he was given time upto 14.03.2022 for submission of his defence brief. At this stage, he has filed the present writ petition before this Court.

4. According to the learned counsel for the respondents, sufficient time has been granted to the petitioner to submit the defence brief. The allegation of the petitioner is that the permission has not been granted to him for perusal of the documents. According to the respondents, they have given sufficient time to the Petitioner for perusal of the documents.

5. Even though the petitioner has sought for quashing the charge memo, there is no legal terms to interfere with the said charge memo and quash the said proceedings. Therefore, there is no merits in the writ petition.

6. In view of the above, the petitioner is directed to make a written request to the authority concerned for the very same request for perusal of documents, and if such request is made, the respondents are directed to consider such request and take appropriate decision within a period of one week from the date



of receipt of a copy of such request. However, the other ground raised by the petitioner cannot be entertained at this stage and the petitioner is further directed to appear before the enquiry officer and submit his defence brief.

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7. In view of the above observations, the writ petition stands disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

dm
To

1.The MD and CEO,
Indian Overseas Bank
Central Office,
763 Anna Salai
Chennai - 600 002.

2.The GM, HRMD
Indian Overseas Bank
Central Office,
763 Anna Salai
Chennai - 600 002.

3.GM and Disciplinary Authority
Indian Overseas Bank
Central Office,
763 Anna Salai
Chennai - 600 002.

4.Chief Regional Manager
Indian Overseas Bank
Rachna Building, Rajendra Place
New Delhi - 110008.

+1cc to Mr.N.G.R.Prasad, Advocate Sr 18521.

+1cc to Mr.Pramod Kumar Thakur, Advocate Sr.No.18520 (23/03/2022)

W.P.No.6162 of 2022

GMR(CO)
SP(22/03/2022)