



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.02.2022

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P. (MD)No.7278 of 2013

S.Nagarajan

... Petitioner

vs.

The Chairman,
Tamil Nadu Grama Bank,
Head Office, No.6,
Yercaud Road, Hasthampatty,
Salem - 636 007.

... Respondent

(R1 is Cause Title amended, vide Court
Order, dated in 29.10.2021 in W.M.P. (MD)
No.12801 of 2021 in W.P.(MD)No.7278 of 2013)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the Records in AIVD/37/12-13, dated 23.04.2012 and the order in AIVD/728/12-13, dated 26.09.2012, issued by the respondent, to quash the same and to direct the respondent to reinstate the petitioner with all consequential benefits.

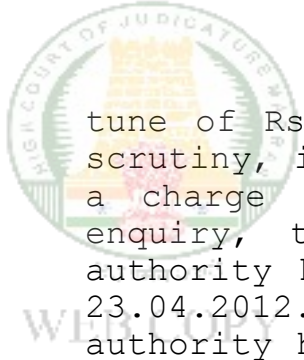
For Petitioner : M/s.D.Geetha
For Respondent : Mr.N.G.R.Prasad

O R D E R

This Writ Petition is filed for issuance of a Certiorarified Mandamus, to call for the Records in AIVD/37/12-13, dated 23.04.2012 and the order in AIVD/728/12-13, dated 26.09.2012, issued by the respondent, to quash the same and to direct the respondent to reinstate the petitioner with all consequential benefits.

2.The facts of the case are that the petitioner was appointed as Clerk and served more than 28 years in the respondent Bank. The allegation against the petitioner is that he has created bogus bills and has purchased medicines from the Annai Abirami Medicals and in turn has claimed insurance amount.

3.The contention of the petitioner is that she is eligible for the said medi claim policy. His father was not well and he was undergoing some treatments so, he has purchased the medicines to the



tune of Rs.1,52,249/-, based on all the reports and the bills. On scrutiny, it was found that some of the bills are bogus. Therefore, a charge sheet, dated 22.01.2010 was issued. After conducting enquiry, the charge was held to be proved. The disciplinary authority has imposed a punishment of compulsory retirement, dated 23.04.2012. The petitioner preferred an appeal and the appellate authority has confirmed the penalty of compulsory retirement, dated 26.09.2012. Aggrieved over the same, the present Writ Petition is filed.

4.The respondents have filed a counter affidavit stating that the petitioner has created bogus bills. Thereafter, an enquiry was conducted, sufficient opportunity was granted to the petitioner to disprove the allegation and there is no violation of principles of natural justice. The disciplinary authority after taking the report into consideration has awarded the punishment of compulsory retirement.

5.Heard M/s.D.Geetha, learned Counsel appearing for the petitioner and Mr.N.G.R.Prasad, learned Counsel appearing for the respondent.

6.On perusing the materials on records, it is seen that the petitioner has forged the bills and on scrutiny it is seen that the petitioner has created some of the bills by printing the bills. Therefore, this Court is of the considered opinion that the Enquiry Officer has rightly come to the conclusion, which was confirmed by the disciplinary authority.

7.Therefore, this Court is not inclined to interfere in the punishment. The learned Counsel appearing for the petitioner submitted that even for compulsory retirement the Bank employees are entitled to pension under Rule 34 Sub Clause (e) of the Tamil Nadu Grama Bank Employees Pension Regulations, 2018. Therefore, the respondents are directed to consider the claim of the petitioner in accordance to Rule 34(e) of the said regulation. The petitioner's claim can be considered within a period of six weeks from the date of receipt of a copy of this order.

8.With the above direction, the Writ Petition is dismissed. No costs.

Sd/-

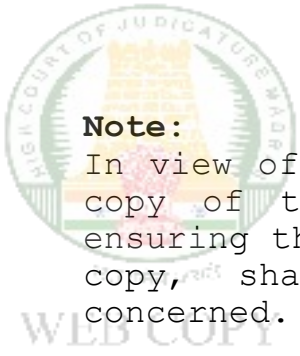
Assistant Registrar(AS)

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Sub Assistant Registrar

Tmg

**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.M.P.SENTHIL, Advocate
(SR-8470[F] dated 24/02/2022)

W.P.(MD)No.7278 of 2013
23.02.2022

SP/21/03/2022/3P/2C