



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

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W.A.(MD) Nos.134 and 135 of 2022
and C.M.P. (MD) Nos.1302 and 1305 of 2022

- | | |
|--------------------|---|
| 1. A.Rajkumar | ... Appellant/Petitioner
in W.A.(MD) No.134/2021 |
| 2. S.Muruganandham | ... Appellant/Petitioner
in W.A.(MD) No.135/2021 |

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/Respondents
in both Writ Appeals |

Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 30.11.2021, made in W.P.(MD) Nos.5299 and 5365 of 2020.

Prayer in WP(MD). 5299 of 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). 5365 of 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



For Appellants

: Ms.D.Geetha

COMMON JUDGEMENT

(Delivered by PARESH UPADHYAY, J.)

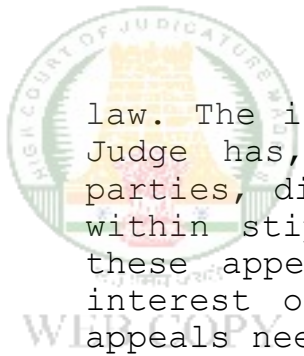
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Challenge in these appeals is made to the order dated 13 November 2021 recorded on group of petitions being W.P(MD) Nos.5245, 5294, 5296, 5299, 5350, 5358, 5365 and 5305 of 2020. These two appeals arise from writ petitions W.P(MD) Nos.5299 and 5365 of 2021. These appeals are by unsuccessful writ petitioners.

2. Learned advocate for the appellants / workmen has submitted that the appellants are forced to face enquiry in gross violation of principles of natural justice and therefore indulgence should have been shown by learned Single Judge. It is submitted that the documents asked for by the petitioners are not supplied and further, opportunity to examine the witnesses qua the material relied by the disciplinary authority is also not provided and that is how there is breach of principles of natural justice. It is submitted that the enquiry can not be permitted to go ahead like this. It is submitted that the interim protection was also initially granted, however after dismissal of the writ petitions, the workmen are facing imminent termination and therefore these appeals be entertained.

3. Having heard learned advocate for the appellants and having considered the material on record this Court finds that, the cause of action for the respondent bank to initiate proceedings against the present appellants is that they had got appointment, fraudulently. This has happened in the year 2011. Initially, the termination order was passed, it was set aside and the matter was left to the disciplinary authority to take recourse to disciplinary proceedings in accordance with law. It is the grievance of the appellants that though departmental enquiry is being undertaken, the same is not in accordance with law and therefore the same can not be permitted to go ahead. It is submitted that the respondents (disciplinary authority) / bank needs to be directed to provide the opportunity of cross-examining the witnesses as asked for by the workmen.

4. We find that the allegation of fraudulent appointment in the respondent bank is being examined by the Central Bureau of Investigation, as there is reference in the impugned order. It was not the subject matter of the writ petition, nor it is in these appeals. So far the compliance with the principles of natural justice is concerned, that ground is certainly available to the workmen, however it would not be appropriate for the Writ Court to monitor the day-to-day functioning of the Enquiry Officer or the disciplinary authority. In the event any final order is passed, it is to be left to the workmen to take recourse to the remedy under



law. The issue is already hanging since many years. Learned Single Judge has, without expressing any opinion for / or against the parties, directed the disciplinary authority to conclude the enquiry within stipulated time and the same is underway. Interference in these appeals would only drag the pendency which is not in the interest of any of the parties. In totality, we find that these appeals need not be entertained.

5. While dismissing these appeals, it also needs to be clarified that, in the any order is passed against the workmen and in the event of the same being challenged by the workmen before appropriate forum, the observations in the order of learned Single Judge or in this order, with regard to relevance of the documents asked for by the workmen, will not be a factor against the workmen and the Tribunal shall decide the same on its own merits, without being influenced by any of the observations of this Court.

6. For the above reasons and with the above observations, these appeals are dismissed. No costs. Consequently, connected miscellaneous petitions would not survive.

Sd/-

Assistant Registrar(CS-I)

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/ /2022

Sub Assistant Registrar(CS)

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+2 CC to M/s.D.GEETHA, Advocate (SR-7069 & 7070[F] dated 18/02/2022)

W.A. (MD) Nos.134 and 135 of 2022
17.02.2022

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