



W.P(MD)No.2560 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2560 of 2019
and
W.M.P.(MD)No.1962 of 2019

G.Kumaresan

... Petitioner

Vs

1.The General Manager,
Canara Bank,
Circle Office,
East Veli Street,
Madurai.

2.The Assistant General Manager,
Canara Bank,
Circle Office,
Madurai.

3.The Branch Manager,
Canara Bank,
Vikkiramangalam Branch,
Usilampatti Taluk,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent in



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Ref.No.MDUC:HRM:222:2019, dated 29.01.2019, quash the same and direct the respondents not to initiate any disciplinary action against the petitioner till the expiry of one year from 12.06.2018 the date on which the offence is said to have been committed as envisaged in Regulation No.12(6) of Chapter XI of Canara Bank Service Code.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.Pala.Ramasamy

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is employed in Canara Bank. He was implicated as an accused in Crime No.128 of 2018 registered on the file of Vikaramangalam Police Station, Madurai. Investigation was completed and the case had also been charge sheeted and taken up for trial. Parallely, the disciplinary authority initiated departmental action. The petitioner's grievance is that in breach of Canara Bank Service Code, the impugned disciplinary action has been taken. He drew my attention to Clause 21(6) of the Code, which states that if after steps have been taken to prosecute the employee, he is not put on trial within a year of the commission of the offence, the employee may be dealt with as if he has committed an act of misconduct. Now it is not in dispute that the petitioner



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is already put on trial. It is also not in dispute that even though the FIR was registered on 05.08.2018, the trial came to be initiated only in 2021. Though the first respondent has not waited for prescribed one year period and there is merit in the petitioner's counsel's contention, the fact remains that the petitioner was not put on trial within one year. This Court is obliged to take note of the subsequent developments. It is for this reason, I decline to interfere. Since interim order was not granted, the enquiry appears to have commenced. In these circumstances, the writ petition has become infructuous.

3.The writ petition is dismissed as infructuous accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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