



W.P.(MD).No.18705 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.09.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).No.18705 of 2016
and
W.M.P.(MD).No.13531 of 2016**

Dinesh Babu

... Petitioner

Vs.

1.Indian Overseas Bank,
Central Office,
763, Anna Salai,
Chennai – 2,
Represented by its General Manager

2.The Chief Manager,
Regional Office,
Indian Overseas Bank,
131, East Car Street,
Tirunelveli Town,
Tirunelveli District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceeding of the second respondent in R.O/PAD/2016-17 dated 21.09.2016 and quash the same and consequently directing the respondents to permit the petitioner to wok in the present place i.e in the Indian Overseas Bank, Tirunelveli Town Branch.



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For Petitioner : Mr.S.Suresh Manickam

For Respondents : Mr.Pala Ramasamy,
Standing Counsel.

ORDER

This Writ Petition has been filed to quash the transfer order dated 21.09.2016 and consequently directing the respondents to permit the petitioner to work in the present place i.e in the Indian Overseas Bank, Tirunelveli Town Branch.

2. The brief facts as stated in the affidavit are that the petitioner was appointed as Clerk in the respondent Bank and posted at Kumbakonam branch on 13.03.2013. Thereafter, he was transferred to Tirunelveli branch on 03.12.2014. The petitioner is the Branch Secretary to All India Overseas Bank Employees' Union, a recognized union of the respondent Bank. The contention of the petitioner is that he has performed his duty as Union Secretary and has addressed the grievances of the employees. The Branch Manager namely, Sadagopan and another officer namely Shanmugasundaram were acting against the interest of the employees and the Bank itself. They were harassing and humiliating the staffs especially the staffs belonging to the Scheduled Caste. The petitioner belongs to S.C. Community and he has sent several



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representations to the higher officials regarding unwarranted and discriminatory acts and omissions of the said branch Manager. As a counter blast and as revenge, due to the influence of the Branch Manager and the said officer and on the basis of their false allegations against the petitioner, the respondents have passed the impugned order transferring the petitioner to Thisayanvilai, Radhapuram Union.

3. The further contention of the petitioner is that the said impugned proceedings of transferring the petitioner is punitive in nature. Without giving adequate opportunity to the petitioner, the impugned order has been passed which is a stigmatic one. Therefore, the petitioner prayed to quash the order.

4. The learned Standing Counsel appearing for the respondent Bank submitted that the reasons as stated in the impugned order would indicate that the respondents have acted legally and there is no infirmity in the impugned order. The contention of the respondents is that the petitioner after elected as Secretary to All India Overseas Bank Employees' Union, has not properly attended to the Bank work. Therefore, the impugned transfer order was passed pointing out his mistake and to rectify his mistake. Therefore, the learned Standing Counsel for the respondent Bank prayed to dismiss the Writ Petition.



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4. Heard Mr.S.Suresh Manickam, learned counsel for the petitioner and Mr.Pala Ramasamy, learned Standing Counsel appearing for the respondents.

5. It is seen from the impugned order that the allegations against the petitioner is that on 10.04.2015, the petitioner was not in the cabin, but he was engaged in talking with other staff members, instead of attending the customers. On noticing that, the Chief Manager called the petitioner through a messenger, but the petitioner has not responded to the Chief Manager's call. Thereafter, the Chief Manager advised the petitioner to attend the customers during the working hours, instead of talking to others on other matters. But the petitioner retorted rudely in a loud voice that he has every right to talk with other staff members and the Chief Manager is no way superior to the petitioner. Apart from this, there are four more allegations. Hence, the impugned transfer order is passed.

6. At this juncture, the learned counsel appearing for the petitioner submitted that inspite of challenging the impugned order, the petitioner has attended the work in the transfer post that is in Thisayanvilai.



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7. Therefore, this Court is of the considered opinion that the impugned transfer order is obeyed by the petitioner and there is no issue for adjudication. However, the Learned Counsel for the petitioner submitted that he had served in the transferred post in Thisayanvilai for more than six years and the respondents may be directed to re-transfer the petitioner to Tirunelveli Branch itself. Therefore, this Court direct the respondents to consider the petitioner's claim as per the Bank's regulations / circular and pass order within a period of four (4) weeks from the date of receipt of a copy of this order.

8. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

26.09.2022

Index : Yes / No
Internet : Yes/ No
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S.SRIMATHY, J.

Nsr

To

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Chennai – 2.

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