



W.P(MD)No.24554 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24554 of 2022

and

W.M.P(MD)Nos.18421 & 18423 of 2022

V.Balaji Nagarajan

... Petitioner

Vs

1.The Chairman,
Pallava Grama Bank,
No.6, Yearcaud Main Road,
Hasthampatti,
Salem.

2.The General Manager,
Pallava Grama Bank,
No.6, Yearcaud Main Road,
Hasthampatti,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the second respondent by his proceeding in No.PGB/HO/VIG:26:2018-19 Vigilance Department dated 06.07.2018 and quash the same and direct the first respondent to reinstate the petitioner into service.

For Petitioner : Mr.K.P.S.Palanivel Rajan



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For Respondents : Mr.N.Dilip Kumar
Standing Counsel

ORDER

Heard the learned counsel on either side.

2. The writ petitioner was employed as Assistant Manager in Pallava Grama Bank in Anaimalai Branch. He was removed from service vide order dated 06.07.2018. Questioning the same, he filed an appeal before the first respondent. He filed W.P(MD)No.17802 of 2021 for directing the appellate authority to dispose of the appeal. The Bank took the stand that the appeal itself was received only on 06.10.2021. Be that as it may, the writ petition was disposed of on 29.10.2021 directing the appellate authority to take a call. Pursuant thereto, the appellate authority vide impugned order dated 02.12.2021 informed the petitioner that since the appeal was received belatedly, it could not be considered. Questioning the same, the present writ petition has been filed.

3. The learned Standing Counsel points out that what is under challenge is only the original order of punishment and not the order passed by the appellate authority. In my view this issue is purely a typographical error. The appellate authority has taken the technical stand that since the appeal was not



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preferred within 45 days, the appeal right got lapsed. In my view, it is too technical an approach. Here is a case, where an employee has been visited with capital punishment of removal from service. Therefore, a liberal approach has to be adopted when it comes to condonation of delay.

4. It is stated that Pallava Grama Bank got merged with similar Agricultural Banks and has now become Tamil Nadu Grama Bank. The Chairman of Tamil Nadu Grama Bank is now the appellate authority. In view of the reasons mentioned above, the order bearing TNGB/VIG/OTH/35/2021-22, dated 02.12.2021 is set aside. The delay in filing the appeal stands condoned. The appellate authority is directed to dispose of the petitioner's appeal on merits and in accordance with law. Such an order will be passed within a period of four months from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. It is open to the appellate authority to pass order one way or the other. This writ petition is disposed of accordingly. Consequently, connected miscellaneous petitions are closed. No costs.

04.11.2022

Index : Yes / No
Internet : Yes/ No
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Note: Issue Order Copy on 07.11.2022.



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G.R.SWAMINATHAN, J.

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To

- 1.The Chairman,
Pallava Grama Bank,
No.6, Yearcaud Main Road,
Hasthampatti,
Salem.
- 2.The General Manager,
Pallava Grama Bank,
No.6, Yearcaud Main Road,
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