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W.P.No.3186 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **15.02.2023**

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.3186 of 2021

Sunit Kumar Agarwal

... Petitioner

Vs

1.The Chief Manager - Recovery Department
(Sri. S. Ravi - Now VRS Optee)
Through Circle Head, Punjab National Bank
Circle Office, PNB TOWER, 2nd and 3rd Floor
46 - 49 Royapettah High Road,
Chennai 600014.

2.The Circle Head
Punjab National Bank, Circle Office
PNB TOWER, 2nd Floor, 46 - 49
Royapettah High Road
Royapettah. Chennai - 600 014.

3.The Managing Director and CEO
Punjab National Bank Corporate Office
Plot No. 4 Sector 10
Dwarka New Delhi - 110 075.

4.The General Manager - HRDD
Human Resources Development Division
(HRD ivision) Punjab National Bank
Corporate Office Plot No.4
Sector 10 Dwarka
New Delhi - 110 075.



W.P.No.3186 of 2021

5.The General Manager - LAW
Law Division, Punjab National Bank
Corporate Office Plot No. 4 Sector 10
Dwarka New Delhi - 110 075

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Certiorarified Mandamus calling for the records of the Respondents pertaining to the proceedings initiated to quash the decision dated 07.08.2020 being in nullity, illegal, patently erroneous and unlawful, respondents to compensate the petitioner for mental agony, harassment, malicious intention, loss to the reputation, defamation, intentional insult, injury caused/inflicted and sufferings made to award the cost of the writ to the petitioner.

For the Petitioner : Mr.Sunit Kumar Agarwal
Petitioner-in-person

For the Respondents : Mr.M.Aravind Subramaniam,
Senior Counsel
for the first respondent

ORDER

The writ petition has been filed in the nature of certiorari calling for the records of the respondents and, and to quash the decision dated 07.08.2020.

2. The petitioner herein appeared as party in person before this Court.



W.P.No.3186 of 2021

3. In the affidavit filed, he had stated that he had joined banking services in Punjab National Bank as Scale-I Officer (Law Officer) in April 1985 and served at various branches. He had also appeared as an Advocate on behalf of the Punjab National Bank and had conducted proceedings before the District Courts, Debt Recovery Tribunal, High Courts and Consumer Courts. Certificates relating to the same has been annexed as documents to the writ petition.

4. He also stated that a show cause notice was issued to him claiming that he had acted against the intents of the bank in W.P.No. 77 of 2018 before this Court. However, it is the contention of the petitioner that though it was so stated in the show cause notice, he was not given proper opportunity and the show cause notice was never sent to him. Thereafter, he received a communication dated 07.08.2020 wherein it was stated that as panel counsel he should not have appeared against the Bank, and since he had so appeared, he had been removed from the panel of advocates. He was directed to return the case bundles handed to him along with a no objection certificate for change of vakalat.



W.P.No.3186 of 2021

5. Questioning this particular order, the writ petition has been filed.

6. The Learned Senior counsel for the respondent is also present.

7. The writ petition is pending from the year 2021.

8. It is a fact that the petitioner had joined services in Punjab National Bank. It is a fact that he was also give an opportunity to appear as an Advocate on behalf of Punjab National Bank. It is a fact that W.P.No. 77 of 2018 came to be filed before this Court. The issue whether petitioner had acted adverse to the interests of the Punjab National Bank in that particular case or not, is a question on fact. Before taking a decision that he had acted adverse to the interests of the Bank, the respondents should have issued notice to him, should have called for his explanation, should have confronted him with the case records and thereafter should have come to a reasoned conclusion that he had actually acted adverse to the interests of the Bank.



W.P.No.3186 of 2021

9. A perusal of the records show that none of the aforesaid steps have been taken.

10. The petitioner was emphatic in submissions that his opinion was never sought and that opportunity was not given to him.

11. I would therefore set aside the order dated 07.08.2020 and leave it open to the respondents to proceed in manner known to law if at all they are of the opinion that the cause still survives.

12. The writ petition stands disposed of. No costs. Consequently, WMP No.3615 of 2021 is closed.

15.02.2023

Index: Yes/no
mrn



W.P.No.3186 of 2021

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C.V.KARTHIKEYAN, J.
(mrn)

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