



W.P.No.21635 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.21635 of 2023

Central Bank of India,
Regional Office,
54, I Floor, West Boulevard Road,
Opposite to Thevar Hall,
Tirucirappalli - 620 008.

... Petitioner

Vs.

1. The Assistant Labour Commissioner (Central),
Office of the Assistant Labour
Commissioner (Chennai),
D.A. 2 BSNL Staff Quarters, Jaya Nagar,
Reddiar Palayam (PO), Puducherry - 10.

2. The Central bank of India Employees Union,
11, Second Line Beach, Chennai - 600 001.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to dispose of the application dated 01.03.2023 made by the petitioner / Bank, requesting for 'permission' for issuing final order in the pending disciplinary proceedings, under Section 33(1) (b) of the Industrial Disputes Act, 1947.



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For Petitioner : Mr.T.Shanmugananda

ORDER

This Writ Petition has been filed for a direction to the first respondent to dispose of the application dated 01.03.2023 made by the petitioner / Bank, requesting for 'permission' for issuing final order in the pending disciplinary proceedings, under Section 33(1) (b) of the Industrial Disputes Act, 1947.

2. Since no adverse order is going to be passed, notice to the second respondent is dispensed with.

3. The case of the petitioner is that the petitioner / Central Bank of India initiated disciplinary proceedings against one Prasanna Balaji, based on a written complaint from a customer to Branch Manager that he has paid a sum of Rs.8,240/- in cash over the counter on 25.10.2021, but it has neither been credited to the loan account nor returned to him and his loan account is still outstanding. The Disciplinary Authority issued a show cause memo dated 13.10.2022 with the following proposed punishment "Be



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brought down to lower stage in the scale of pay by one stage for a period of one year without cumulative effect". However, considering the gravity of the misconduct, the Disciplinary Authority issued a revised show cause memo dated 26.12.2022 with the following proposed punishment "Discharge from services with superannuation benefits, i.e., pension and / or Provident Fund and Gratuity as would be due otherwise under the Rules and Regulations prevailing at the relevant time and without disqualification from future employment". Challenging the issuance of the second show cause, an Industrial Dispute was raised by the second respondent. The first respondent, through their notice dated 29.12.2022 directed to maintain the status quo pending conciliation proceedings as per Section 33 of the Industrial Disputes Act. Therefore, the petitioner Bank made an application invoking Section 33(1)(b) of the Act seeking 'permission' of the first respondent for issuing final order, in the pending disciplinary proceedings, which has not been disposed of till date. Hence, the petitioner has filed the present Writ Petition with the aforesaid prayer.



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4. The learned counsel appearing for the petitioner submits that pending Industrial Dispute before the first respondent which was raised by the second respondent, the petitioner filed an application under Section 33(1)(b) of the Act seeking 'permission' of the first respondent for issuing final order, in the pending disciplinary proceedings. Hence, seeks the indulgence of this Court to issue a direction to the first respondent to dispose the petitioner's application dated 01.03.2023 and pass appropriate orders, within a time frame that may be fixed by this Court.

5. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

6. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to consider the petitioner's application dated 01.03.2023 and pass appropriate orders, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after



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affording an opportunity of hearing to the petitioner as well as second respondent.

7. With the above direction, this Writ Petition is disposed of. No costs.

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NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

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To

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