



WA No. 2628 / 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 06.11.2023

CORAM

THE HONOURABLE Mr. JUSTICE R. MAHADEVAN
AND
THE HONOURABLE Mr. JUSTICE MOHAMMED SHAFFIQ

W.A. No. 2628 of 2023

M.Thonthi

... Appellant

Vs.

1.The Presiding Officer,
Central Government Industrial Tribunal
cum Labour Court,
Shastri Bhavan,
Haddows Road,
Chennai – 600 006.

2.The Management of Central Bank of India,
Rep., By its Zonal Manager,
No.48/49, Montieth Road,
Egmore, Chennai – 600 008.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 11.10.2013 passed by the learned Judge in W.P. No. 12196 of 2005.



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For Appellant : Mr. L. Chandrakumar for
M/s. P. Kannan Kumar.

For Respondents : Mr. T. Shanmugananda Vijayakumar for R2

J U D G M E N T

[Judgment of the Court was made by R.MAHADEVAN, J.]

This writ appeal arises from the order dated 11.10.2013 passed by the learned Judge in W.P. No. 12195 of 2005.

2. The case in brief is as follows:

The writ petitioner is the appellant herein. While he was working as a clerk in the second respondent bank, on 18.06.1988, a surprise inspection was conducted and it was found that five jewels which were pledged, were missing from the safety locker and hence, the appellant and the then Branch Manager was suspended on 27.06.1988. Subsequently, on 07.11.1988, a show cause notice was issued calling upon the appellant to send explanation. Accordingly, he sent his explanation. Being dissatisfied with the explanations offered by the appellant, he was issued with charge memo on 08.03.1989 containing four charges and thereafter, second show cause



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notice was issued on 12.02.1990. Subsequently, he was dismissed from service by order dated 16.02.1990. Challenging the same, he preferred an appeal to the appellate authority on 02.04.1990 and the same was rejected on 20.06.1990. Aggrieved by the same, he filed an Industrial Dispute and the same was dismissed by the Industrial Tribunal, by award dated 24.12.2001. Challenging the same, W.P. No. 12196 of 2005 came to be filed by the appellant. However, the learned Judge dismissed the same on 11.10.2013 on the ground that the charges framed against the appellant have been proved. Therefore, this writ appeal by the writ petitioner before this court.

3. According to the learned counsel for the appellant, though the appellant was subjected to a common enquiry along with the co-delinquent, while the co-delinquent was imposed with lesser punishment, the appellant was imposed with the major punishment of dismissal from service. It is further submitted that the confession letter given by the appellant was used against him and the same was not corroborated by any evidence. Without considering all these aspects, the learned Judge erred in dismissing the writ petition, by the order impugned herein.



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4.Per contra, the learned counsel for the second respondent has submitted that there is no infirmity in the impugned order passed by the learned Judge and hence, sought for dismissal of this appeal.

5.Heard both sides and perused the materials available on record.

6.While the appellant was working as clerk in the second respondent bank, based on the inspection report, he was subjected to disciplinary proceedings, which ended in dismissal from service. The said order of dismissal passed by the disciplinary authority was also affirmed by the Appellate Authority. That apart, the Industrial Dispute filed by the appellant before the Labour Court and the writ petition filed before the learned Judge have also been dismissed on the ground that charges made against the appellant have been proved. This court is of the view that the learned Judge has dealt with the matter in detail and has given cogent findings to come to the conclusion that the charges made against the appellant have been proved in the manner known to law. Such findings have been rendered on a proper analysis of the factual matrix of the case and hence, the same do not require



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any interference.

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7.At this juncture, the learned counsel for the appellant sought liberty to the appellant to approach the authority concerned so as to claim any statutorily permitted amount payable to the appellant, for which, there is no serious objection on the side of the respondent authorities.

8.In view of the above, the writ appeal is disposed of, granting liberty to the appellant to make a representation to the second respondent indicating the amount payable to him and on such representation being made, the second respondent shall consider the same and pass appropriate orders purely on merits, without being influenced by any of the observations made, within a period of four weeks from the date of receipt of a copy of this order.
No costs.

J.]
ay

[R.M.D., J.] **[M.S.Q.,**
06.11.2023

Index: Yes / No
Speaking order/ Non-speaking order
Neutral Citation: Yes / No

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**R.MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.**

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To

The Presiding Officer,
Central Government Industrial Tribunal
cum Labour Court,
Shastri Bhavan,
Haddows Road,
Chennai – 600 006.

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