



W.P.No.27741 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2023

CORAM

**THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN**

W.P.No.27741 of 2018

And

W.M.P.No. 32261 of 2018

U.Balsubramanian

... Petitioner

**-Vs-**

The Managing Director  
The Tamil Nadu Industrial Co-operative Bank Ltd.,  
(TAICO Bank)  
Raja Annamalaipuram  
Chennai - 600 028.

... Respondent

**PRAYER:** Writ Petition under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records relating to the order passed by the respondent herein in Proc.No. Estt/E1/JL-TVT/2017-18 dated 27.10.2017 and the consequential order in Proc.No. Estt/E1/JL-TVT/2017-18 dated 31.10.2017 and quash the same and consequently direct the respondent herein to permit the petitioner to retire from service with retrospective effect from 31.10.2017 and regularise the period of suspension as duty for all purpose and confer all the retirement



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benefits with due regards to the petitioner's seniority.

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For Petitioner : Mr. R.S.Anandan

For Respondent : Mr. K.Seetha Ram

### **ORDER**

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking records relating to the order passed by the respondent/ the Managing Director, The Tamil Nadu Industrial Co-operative Bank Ltd., (TAICO Bank), Raja Annamalaipuram, Chennai, in proceedings No. Estt/E1/JL-TVT/2017-18 dated 27.10.2017 and the consequential order in Proc.No. Estt/E1/JL-TVT/2017-18 dated 31.10.2017 and quash both the orders and direct the respondent to permit the petitioner to retire from service with retrospective effect from 31.10.2017 and to regularise the period of suspension as duty for all purpose and confer all the retirement benefits.

2. Though the Writ Petition has been filed seeking interference with the aforementioned two orders, the main grievance expressed by the



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learned counsel for the petitioner is that the respondents had proceeded against the petitioner and three other staff members by issuing charge memos to them. An enquiry had been conducted and it is stated that the enquiry processes had been completed on 23.12.2016. A report had also been forwarded to the respondent on 08.02.2017. The petitioner and three others had been reinstated into service and the suspension order had been revoked. But however, as against the petitioner alone, final orders have not been passed though the enquiry report had been furnished to the respondent in the year 2017. The three other staff members, who also faced disciplinary proceedings, had benefited from orders being passed consequent to the report of the enquiry officer. This statement of the learned counsel for the petitioner had compelled this Court to call the respondent to be present in person before this Court.

3. Accordingly, Mr.R.Ravichandran, CEO, TAICO Bank, is present in Court today.



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4. On behalf of the respondent, the learned counsel stated that as against the petitioner and three other staff members, surcharge proceedings had also been initiated and three other staff members had paid the amounts determined. It is complained that the petitioner however filed an appeal and it is admitted that as against the order, the appellate authority had set aside the surcharge proceedings order. Therefore, as on date, there is no impediment in the respondents for passing final orders pursuant to the report of the enquiry officer.

5. It is also contended by the learned counsel for the respondent that criminal case is also pending but again that should not be considered as a bar to pass final orders consequent to the report of the enquiry officer. The respondent is therefore directed to pass orders consequent to the report of the enquiry officer within a period of 8 weeks from the date of receipt of a copy of this order is received. No further time should be taken. If the time limit of 8 weeks is not adhered to, a further direction is given and it shall be deemed that the charges are dropped.



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6. With the above direction, this Writ Petition stands disposed of. No order as to costs. Consequently, connected Miscellaneous Petition is closed.

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Index:Yes/No

Neutral Citation:Yes/No

To

The Managing Director  
The Tamil Nadu Industrial Co-operative Bank Ltd.,  
(TAICO Bank)  
Raja Annamalaipuram  
Chennai - 600 028.

C.V.KARTHIKEYAN,J.

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