



W.P.(MD)No.9998 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:23.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.9998 of 2020
and
W.M.P(MD)No.8934 of 2020

M.Malayappan

... Petitioner

Vs.

1.The Managing Director and Chief Executive Officer,
Canara Bank, Head Office,
112, J.C.Road,
Bangalore,
Karnataka State – 560 002.

2.The Chief General Manager/HR,
Canara Bank, (Former Syndicate Bank), Corporate Office,
112, J.C.Road, Bangalore,
Karnataka State – 560 002.

3.The Assistant General Manager cum Authorised Officer
under SARFAESI Act,
Canara Bank (Former Syndicate Bank),
Muthaiah Tower (1st Floor),
No.1 Royal Road, Cantonment,
Tiruchirapalli – 620 001.

4.The Senior Branch Manager,
Canara Bank (Former Syndicate Bank),
S.R.College Branch, Tiruchirapalli.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the first respondent, dated 14.01.2020 coupled with the reminder demand, dated 04.02.2020, quash the same and consequently directing the fourth respondent to renew the Over Draft Clean Account (ODC) regularly till the completion of the disciplinary proceedings or adjust of Over Draft Clean Account (ODC) outstanding in the petitioner's Gratuity amount.

For Petitioner : Mr.S.K.Mani

For Respondents : Mr.Pala Ramasamy

ORDER

This writ petition has been filed to quash the proceedings of the first respondent, dated 14.01.2020, coupled with the reminder demand, dated 04.02.2020 and to consequently, direct the fourth respondent to renew the Over Draft Clean Account (ODC) regularly till the completion of the disciplinary proceedings or adjust of Over Draft Clean Account (ODC) outstanding in the petitioner's Gratuity amount.



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2. The case of the petitioner is that he worked in the banking sector and retired from service. When he was in service, he got Over Draft Clean Account (hereinafter called as ODC Account) facility. The said ODC Account is an account facilitating the employee or an officer of the bank to get withdrawals under that account for a limit of Rs.7,00,000/- for his personal needs. Such withdrawals along with less interest would have to be repaid. ODC account would be for a period of two years. At the end of every such period, the branch Manager would extend the period for another spell. Thus, the ODC would be a permanent feature in the service career of an employee or officer. While being so, the Senior Branch Manager had issued a notice dated 14.01.2020 regarding the unpaid overdue loan of ODC warning the petitioner to pay the outstanding installments within seven days, failing which, it was informed that the bank will recover the overdue amount along with penalty. With regard to the same, yet another communication was sent to the petitioner on 04.02.2020 informing the petitioner to pay the amount on or before 07.02.2020. Challenging the same, the present writ petition has been filed by the petitioner with the aforesaid prayer.



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3. The learned counsel appearing for the petitioner would submit that admittedly, the impugned order is passed calling upon the petitioner to pay the outstanding amount. However, the petitioner retired from service on 30.06.2018. Prior to that, a charge memo was issued to the petitioner on 26.02.2018. Challenging the same, the petitioner has filed a writ petition before this Court in W.P(MD)No.15027 of 2018 and subsequently, the same was withdrawn. Even otherwise, the petitioner's terminal benefits are lying with the respondents and therefore, the respondents are entitled to adjust the outstanding amount from the terminal benefits. However, without doing so, the first respondent has passed the impugned order and withheld the entire amount, which is not sustainable one and hence, the petitioner has filed this writ petition. However, during the pendency of this writ petition ODC Account has been closed by adjusting the over due amount from the terminal benefits of the petitioner and therefore, liberty may be granted to the petitioner to claim compensation as against the respondents for the injustice done to him and prayed for appropriate orders.



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4. The learned standing counsel appearing for the respondents, on instructions, would submit that during the pendency of this writ petition, ODC Account was closed and therefore, nothing survives for further adjudication in this matter.

5. In view of the fact that the outstanding of the ODC account was paid by adjusting the amount from the terminal benefits of the petitioner and the account was also closed, this Writ Petition is dismissed. If the petitioner feels that injustice is done to him, liberty is hereby granted to him to work out his remedy in the manner known to law. No Costs. Consequently, connected miscellaneous petition is closed.

23.01.2023

NCC:Yes/No

Index:Yes/No

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M.DHANDAPANI, J.

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