



W.P(MD)No.19633 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

RESERVED ON : 02.11.2022

DELIVERED ON : 16.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19633 of 2020

and

W.M.P(MD)No.16362 of 2020

A.V.C.Mohan

... Petitioner

VS.

1.The General Manager,
Personnel Administrative Department,
Indian Overseas Bank,
Head Office,
763, Anna Salai,
Chennai – 600 002.

2.The General Manager /
Appellate Authority,
Indian Overseas Bank,
Regional Office,
11/952, Cross Cut Road,
Gandhipuram,
Coimbatore – 640 012.

3.Saraswathi
4.N.Rajendra Prasath
5.Saroj Kumar Panda

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings in ZO:DA:DGM:(NRP)-ZO:VIG/8970:1496:2019-2020 dated 13.01.2020 issued by the fourth respondent and quash the same as illegal and consequently directing the second respondent to release the basic pay of 10 stages (Rs.47,260/- to 34,160/- already recovered on the petitioner's appeal dated 28.02.2020).

For Petitioner : Mr.S.Radhakrishnan

For Respondents : Mr.N.Dilip Kumar

ORDER

Heard the learned counsel on either side.

2. The petitioner joined Indian Overseas Bank as Clerk in the year 1986 and subsequently promoted as Assistant Manager. He was suspended from service on 04.12.2013 and he was issued with charge memo on 29.12.2014. Later the suspension was revoked and the petitioner was given posting order. Enquiry was conducted and he was also punished vide order dated 30.09.2016. The grievance of the petitioner is that on the same set of charges another charge memo was issued on 19.03.2018 and after holding enquiry, he has been visited



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with the impugned punishment of reduction in basic pay by 10 stages for a period of one year with cumulative effect. Challenging the same, the present writ petition came to be filed.

3. The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. Though very many contentions were advanced by the learned counsel, in view of their factual nature, I am of the view that the petitioner should first exhaust his appeal remedy and if need be, come to this Court thereafter. The petitioner has already filed an appeal before the appellate authority / the second respondent. The appellate authority is directed to dispose of the petitioner's appeal on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. The appellate authority shall pass order uninfluenced by the stand taken in the counter affidavit before this Court. The appellate authority must remind himself that he is discharging quasi-judicial function. The appellate authority will also give personal hearing to the petitioner herein. All the contentions of the petitioner are left open. With this direction to the appellate authority, this writ petition is disposed of. There



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shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

16.06.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

MGA

Note: Issue Order Copy on 20.06.2023.



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G.R.SWAMINATHAN, J.

MGA

Pre-delivery Order made in
W.P(MD)No.19633 of 2020

16.06.2023