



W.A.(MD)No.95 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2023

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE SUNDER MOHAN**

**W.A.(MD)No.95 of 2017
and
C.M.P.(MD)No.914 of 2017**

K.Manimaran

... Appellant

vs.

1.The Deputy General Manager (B & O),
(Appellate Authority),
State Bank of India,
(H.R. Section), Network-2, Administrative Office,
Madurai Cluster, "MADHURAM" Complex,
No.2, Dr.Ambedkar Road,
Madurai – 625 002.

2.The Regional Manager, RBO-I &
Disciplinary Authority,
State Bank of India (Disciplinary Proceedings Cell),
Network-2, Administrative Office,
Madurai Cluster, "MADHURAM" Complex,
No.2, Dr.Ambedkar Road,
Madurai – 625 002.

3.The Chief Manager,
State Bank of India,
Tallakulam Branch,
No.2, Dr.Ambedkar Road,
Madurai – 625 002.

... Respondents

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 08.12.2016, passed in W.P.(MD)No.22189 of 2016.



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For Appellant

: Mr.S.Rajasekar

For Respondents

: Mr.V.P.Rajan

JUDGMENT

DR.G.JAYACHANDRAN, J.
and
SUNDER MOHAN, J.

The appellant, being aggrieved by the departmental proceedings culminating in removal from service, challenged the same by way of filing a Writ of Certiorarified Mandamus to quash the termination order and consequently, to reinstate him with back wages.

2. When the Writ Petition came up for admission, this Court found that being a workman falling within the definition of Section 2(s) of the Industrial Disputes Act, 1947, there is an alternative remedy available under the Statute and therefore, the Writ Petition cannot be entertained.

3. Not being satisfied with the said order, the appellant has preferred the present Writ Appeal. However, on perusing the facts and the averments made in the grounds of the Writ Appeal, this Court finds that the appellant is under the impression that the removal from service, being a capital punishment, which is



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disproportionate to the alleged misconduct, the same can be canvassed before the Constitutional Court under Article 226 of the Constitution of India. He has also relied upon the judgments of the Hon'ble Supreme Court in **V.Ramana vs. A.P.S.R.T.C. and others** reported in **AIR 2005 SC 3417** and **Ranjit Thakur vs. Union of India and others** reported in **AIR 1987 SCC 2386**. However, this Court finds that only in extraordinary circumstances, the jurisdiction of this Court can be invoked, provided, the Court is convinced that alternative remedy is not efficacious.

4. As far as the case in hand is concerned, it is the indiscretion of the appellant to invoke the jurisdiction of the Constitutional Court and had wasted time. Since this Court finds no error in the order of the learned Single Judge, this Writ Appeal is dismissed. No costs. However, the time taken to pursue the Writ Petition and the Writ Appeal shall be taken note of by the Appellate Authority while condoning the delay in preferring the appeal, if the appellant desires to pursue the matter before the Appellate Authority. Consequently, connected Miscellaneous Petition is closed.

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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[G.J., J.] [S.M., J.]
06.02.2023



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To

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DR.G.JAYACHANDRAN, J.
and
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JUDGMENT MADE IN
W.A.(MD)No.95 of 2017

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