WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.17399 of 2020 and
W.M.P.No.21574 of 2020

Ramakant Kapoor ... Petitioner

Vs.

1.Bank of Baroda,
Rep by its Managing Director & CEO,
Baroda Corporate Centre,
C-26, G-Block Bandra Kurla Complex,
Bandra (East), Mumbai 400 051.

2.The Executive Director & Appellate Authority,
Bank of Baroda,
Baroda Corporate Centre,
C-26, G-Block Bandra Kurla Complex,
Bandra (East), Mumbai 400 051.

3.The General Manager and Disciplinary Authority,
Dena Bank (Presently Bank of Baroda),
Baroda Corporate Centre,
C-26, G-Block Bandra Kurla Complex,
Bandra (East), Mumbai 400 051. ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records

https://www.mhc.tn.gov.in/judis

WEB COPY

from the files of the respondents pertaining to the impugned orders (1) Penalty order vide Ref.No.FGMO:FGM:DA:D-26:46:2018 dated 04.05.2018 imposing major penalty of reduction to a lower stage in a time scale i.e., reduction in basic pay by two stages issued by the third respondent (2) Penalty order vide Ref.No.FGMO:FGM:DA:D-17:78:2018 dated 25.05.2018 imposing the punishment of reduction to a lower grade i.e., from SMG Scale IV to MMG Scale III at basic pay of Rs.48,570/- with immediate effect issued by the third respondent (3) Order dated 19.09.2019 rejecting appeal against Penalty order vide Ref.No.FGMO:FGM:DA:D-26:46:2018 issued by the 2nd respondent (4) Order dated 19.09.2019 rejecting appeal against Penalty order vide Ref.No.FGMO:FGM:DA:D-17:78:2018 issued by the 2nd respondent respectively and to quash all the above four orders and consequently, direct the respondents to grant the petitioner all the back wages with continuity of service with all other attendant and consequential benefits.

For Petitioner : Mr.K.M.Ramesh, Sr.Counsel for
Mr.V.Subramani
For Respondents : Mr.Anand Gopalan for
M/s.T.S.Gopalan & Co.

ORDER

This Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus, to call for the records from the files of the respondents pertaining to the impugned orders (1) Penalty order vide

https://www.mhc.tn.gov.in/judis

WEB COPY

Ref.No.FGMO:FGM:DA:D-26:46:2018 dated 04.05.2018 imposing major penalty of reduction to a lower stage in a time scale i.e., reduction in basic pay by two stages issued by the third respondent (2) Penalty order vide Ref.No.FGMO:FGM:DA:D-17:78:2018 dated 25.05.2018 imposing the punishment of reduction to a lower grade i.e., from SMG Scale IV to MMG Scale III at basic pay of Rs.48,570/- with immediate effect issued by the third respondent (3) Order dated 19.09.2019 rejecting appeal against Penalty order vide Ref.No.FGMO:FGM:DA:D-26:46:2018 issued by the 2nd respondent (4) Order dated 19.09.2019 rejecting appeal against Penalty order vide Ref.No.FGMO:FGM:DA:D-17:78:2018 issued by the 2nd respondent respectively and to quash all the above four orders and consequently, direct the respondents to grant the petitioner all the back wages with continuity of service with all other attendant and consequential benefits.

2. Heard Mr.K.M.Ramesh, learned Senior Counsel for the petitioner and Mr.Anand Gopalan, learned Standing Counsel for the respondents.

https://www.mhc.tn.gov.in/judis

WEB COPY

3. The transaction involved in the disciplinary proceedings has taken place only in the State of Maharashtra. Except the fact that the petitioner got transferred and was working in Chennai in the meanwhile, no part of the disciplinary proceedings had taken place in Chennai. Right from the alleged misconduct and the other parts of disciplinary proceedings had taken place only in Mumbai. The respondent authorities who dealt the disciplinary proceedings and passed punishment orders are all placed in Mumbai and hence, there is no cause of action seen to have arisen within the jurisdiction of this Court.

4. In view of the above stated reasons, this Writ Petition is dismissed on the point of jurisdiction. However, the petitioner is at liberty to pursue any proceedings on the same set of facts before the appropriate High Court which has the jurisdiction. No costs. Consequently, connected miscellaneous petition is closed.

06.03.2024

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

https://www.mhc.tn.gov.in/judis

WEB COPY

To

1.The Managing Director & CEO,
Bank of Baroda,
Baroda Corporate Centre,
C-26, G-Block Bandra Kurla Complex,
Bandra (East), Mumbai 400 051.

2.The Executive Director & Appellate Authority,
Bank of Baroda,
Baroda Corporate Centre,
C-26, G-Block Bandra Kurla Complex,
Bandra (East), Mumbai 400 051.

3.The General Manager and Disciplinary
Authority,
Dena Bank (Presently Bank of Baroda),
Baroda Corporate Centre,
C-26, G-Block Bandra Kurla Complex,
Bandra (East), Mumbai 400 051.

https://www.mhc.tn.gov.in/judis

WEB COPY

R.N.MANJULA, J.

gsk

W.P.No.17399 of 2020 and
W.M.P.No.21574 of 2020

06.03.2024

https://www.mhc.tn.gov.in/judis