



C.R.P. (PD) No.4254 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Civil Revision Petition (PD) No.4254 of 2024

Augustine Samuel

.. Petitioner

Versus

1.The Chief Manager
Discipline and Fraud Monitoring Cell
Tamil Nadu Mercantile Bank Ltd.,
Head Office, 57, V.E.Road
Thoothukudi – 628 002.
2.The General Manager
Discipline and Fraud Monitoring Cell
Tamil Nadu Mercantile Bank Ltd.,
Head Office, 57, V.E.Road
Thoothukudi – 628 002.
3.The Deputy General Manager
Appellant Authority
Discipline and Fraud Monitoring Cell
Tamil Nadu Mercantile Bank Ltd.,
Head Office, 57, V.E.Road
Thoothukudi – 628 002.
4.The Assistant General Manager
Disciplinary Authority
Discipline and Fraud Monitoring Cell
Tamil Nadu Mercantile Bank Ltd.,
Head Office, 57, V.E.Road
Thoothukudi – 628 002.



C.R.P. (PD) No.4254 of 2024

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5.PA Raja
Regional Manager
Tamil Nadu Mercantile Bank Ltd.,
Thiruvananthapuram Regional Office
Thiruvananthapuram.

6.DC Ravikumar
Jewel Appraiser
Tamil Nadu Mercantile Bank Ltd.,
Ambur Branch, Ambur.

.. Respondents

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the learned Principal District Judge, Krishnagiri to number the suit filed in unnumbered O.S.SR.No.847 of 2024.

For the Petitioner : Mr.M.Mohamed Afridi

ORDER

This Civil Revision Petition arises against the repeated returns by the learned Principal District Judge, Krishnagiri, in O.S.SR.No.847 of 2024.

2. The case of the plaintiff is that he is the Branch Manager of Tamil Nadu Mercantile Bank Limited. According to him, he had been served with the



C.R.P. (PD) No.4254 of 2024

charge sheet dated 25.04.2024 and a subsequent charge sheet dated 15.05.2024. Despite the representation that was given by him, the disciplinary authority proceeded to pass orders. Thereafter, he was dismissed from service on 02.07.2024. Therefore, he preferred an appeal on 05.07.2024 to the appellate authority and the appeal was dismissed on 07.08.2024. Being left with no other option, seeking judicial intervention, he presented the suit in O.S.SR.No.847 of 2024 for declaration and other reliefs.

3. The learned Principal District Judge, returned the plaint stating as to how the suit is maintainable when the order of the 3rd and 4th respondents are appealable. The plaintiff complied with the return and re-presented the plaint pointing out that “the appeal is only inter management appeal and not a statutory one”. Yet again the plaint was returned, pointing out that the previous return has not been complied with. Hence this revision.

4. I heard Mr.Mohamed Afridi for the Civil Revision Petitioner.

5. Mr.Mohamed Afridi points out that as per the Judgment of the



C.R.P. (PD) No.4254 of 2024

Supreme Court in ***Rajasthan State Road Transport Corporation and Another Vs. Bal Mukund Bairwa***, (Civil Appeal No.328 of 2005 dated 12.02.2009) the suit is maintainable. He points out that the revision as against the order of the 3rd and 4th respondents is one created under the contract of employment and is not a statutory appeal.

6. I have considered the submissions of Mr.Mohamed Afridi.

7. The jurisdiction of the Civil Court is plenary, unless and until, it is barred impliedly or expressly. There is no statute which bars the jurisdiction of the Civil Court, in this particular case. The plea of the plaintiff is that he was not heard prior to the passing of the orders questioned in the suit. If that be the situation, there is a violation of principles of natural justice.

8. A Constitutional Bench of the Supreme Court in ***Dhulabhai B Vs. State of Madhya Pradesh [(1968) 3 SCR 662]*** has held that a suit for enforcement of the right that is conferred under any law is very much



C.R.P. (PD) No.4254 of 2024

maintainable, especially when the plaintiff pleads that there is violation of principles of natural justice.

9. Apart from this, the Judgment pointed out by Mr.Mohamed Afridi clearly holds that there is jurisdiction in a Civil Court to deal with such issues. When that Judgment is drawn to the attention of the Principal District Judge, Krishnagiri, it is expected that the Principal District Judge would go through the said Judgment and thereafter, pass appropriate orders. Instead to repeat the very same return as was made on 12.09.2024 and 23.09.2024 does not pass muster. I am not inclined to send the matter again to the Principal District Judge as it will only increase agony of the litigant waiting for his proceedings to be numbered by a Court.

10. Furthermore, in the case of ***Selvaraj and Ors. Vs. Koodankulam Nuclear Power Plant India Limited, Represented through its Project Director*** in ***CRP(MD) Nos.915, 943, 967, 991 & 330 of 2020 dated 16.07.2021***, has held that it is not the duty of the Court to play the role of the defendant at the time of numbering the plaint.



C.R.P. (PD) No.4254 of 2024

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11. In the light of the above discussions, there shall be a direction to the learned Principal District Judge, Krishnagiri, to number the plaint in O.S.SR.No.847 of 2024, if it is otherwise in order. This Civil Revision Petition is ordered accordingly. No costs.

24.10.2024

Index : Yes / No

Internet: Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

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Note:Registry to return the original plaint to the petitioner, after obtaining necessary endorsements.

To

The Principal District Judge,
Krishnagiri.



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C.R.P. (PD) No.4254 of 2024

V.LAKSHMINARAYANAN, J.,

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Civil Revision Petition (PD) No.4254 of 2024

24.10.2024