



WP(MD)No.9897 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 18.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.9897 of 2016
and
WMP(MD)No.7817 of 2016

1.The South Indian Bank Ltd.,
Rep. by its Managing Director & C.E.O.,
SIB Bouse, T.B.Road,
Mission Quarters,
Thrissur - 680 510.

2.The South Indian Bank Ltd.,
Rep. by its Branch Manager,
Branch : Kaniyalampatti,
Karur District.

.. Petitioners

v.

1.The Deputy Commissioner of Labour,
Authority under Tamil Nadu Shops and Establishment Act,
Dindigul.

2.Kuriakose C.J.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India
seeking issuance of a Writ of Certiorari calling for the records relating to



WP(MD)No.9897 of 2016

the impugned order passed by the first respondent in I.A.No.9 of 2013 in TSE Appeal No.4 of 2013, dated 31.03.2016 and quash the same.

For Petitioners : Mr.T.S.Gopalan

For Respondents : Mr.A.Baskaran,
Additional Government Pleader
for R.1

Mr.T.Cibi Chakraborty
for R.2

ORDER

The second respondent was an employee of the petitioners Bank and he was removed from service while he was working in a Branch at Kerala. Challenging the same, the second respondent has preferred an appeal before the first respondent / Deputy Commissioner of Labour, Dindigul. In the appeal, the petitioners have filed an interlocutory application that the first respondent is not having the jurisdiction to decide the appeal preferred by the second respondent. It was rejected by the first respondent. Challenging the same, the petitioners have filed this writ petition.



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2.Learned Counsel for the petitioners submitted that the appeal filed by the second respondent is as against the order of termination, while he was serving at Palakkad and therefore, the second respondent cannot maintain an appeal under the Tamil Nadu Shops and Establishments Act before the first respondent. In the event, if the order of termination has been set aside, then it would amount to restore the second respondent's employment at Palakkad, Kerala, for which, the first respondent is not having the jurisdiction. Here, it is an extra-territorial jurisdiction and the first respondent is not having the jurisdiction to decide the issue.

3.He further submitted that only a person employed in Tamil Nadu can seek relief under the Tamil Nadu Shops and Establishment Act and the second respondent was not in any employment at Tamil Nadu and therefore, he cannot invoke the provisions available under this Act.

4.He has also relied on the following judgments in support of his contention:-



WP(MD)No.9897 of 2016

WEB COPY i) *Management of Punjab National Bank v. S.C.Gupta and Another*

[1990 (1) LLJ 605];

ii) *S.Ravirajan v. Deputy Commissioner of Labour* [1999 (2) LLN 274]; and

iii) *Management of MRF Ltd v. S.N.D.Sampath and Others* [2008 (1) LLJ 162].

5.Learned Counsel for the second respondent submitted that the second respondent was appointed as a Clerk in the South Indian Bank, Elapakkam Branch, Chengalpattu District, in the year 1983 and was transferred to various branches in Tamil Nadu. He was promoted as a Branch Manager on 05.04.2003 and posted at Secundrabad Branch. Thereafter, he was transferred to various branches and was posted at Kaniyalampatti Branch, Karur District on 14.05.2007. In August, 2010, he was transferred to Madurai Branch and thereafter, transferred to the Regional Office at Palakkad, Kerala.



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6. He further submitted that a charge memo was issued as against the second respondent that while he was serving as a Branch Manager at Kaniyalampatti Branch, he has committed misappropriation. Enquiry was conducted at Kaniyalampatti Branch, Karur, on 27.04.2011, 29.04.2011, 23.08.2011, 24.08.2011 and further enquiry was conducted on 25.08.2011 at Karur Branch. The Enquiry Officer has found that eight charges, out of 14 charges, were proved. Based on the enquiry report dated 25.10.2011, the disciplinary authority has issued a second show cause notice proposing the punishment of dismissal and has also dismissed him from service with effect from 05.03.2012. The second respondent has challenged this order of dismissal by preferring an appeal before the General Manager (Administration) and the same was dismissed on 09.08.2012. He has also filed a second appeal before the Executive Director of the Bank and the same was dismissed on 31.01.2013. Thereafter, the second respondent has filed an appeal u/s.41(2) of the Tamil Nadu Shops and Establishment Act, 1947, as against the order of the Executive Director in TNSE Appeal No.4 of 2013 before the Deputy Commissioner of Labour, Dindigul.



7.He further submitted that the intention of the petitioners Bank is to drag on the proceedings and to deny the opportunity of this second respondent before the Deputy Commissioner of Labour, Dindigul. The charges have been framed as against the second respondent for the allegation of misappropriation while he was serving at Kaniyalampatti Branch. Therefore, the cause of action arose at Kaniyalampatti. The enquiry was conducted at Kaniyalampatti and Karur Branch. The main regional office of the Bank is situated at Coimbatore. The petitioner is also residing at Coimbatore. Therefore, the first respondent / Deputy Commissioner of Labour is having every jurisdiction to decide the appeal.

8.This Court considered the rival submissions made on either side and perused the materials placed on record.

9.The second respondent, while he was working at Palakkad, was suspended on 18.09.2010, on the charges of misconduct committed by him while he was working as a Branch Manager at Kaniyalampatti Branch. Admittedly, the enquiry has been contemplated for the misconduct



WP(MD)No.9897 of 2016

committed at Kaniyalampatti Branch and the enquiry were conducted only at Kaniyalampatti and Karur Branch.

10.The petitioner claim that the second respondent was dismissed from service on 05.03.2012 while he was at service at Trissur and therefore, the first respondent / Deputy Commissioner of Labour is not having the jurisdiction. But the cause of action for the disciplinary proceedings arose from Kaniyalampatti Branch and the enquiry was also conducted only at Kaniyalampatti and Karur Branch. The main regional office of the Bank is also situated at Coimbatore, Tamil Nadu. Therefore, this Court is not inclined to accept the petitioners' case that the first respondent is not having the jurisdiction to try the appeal.

Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
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18.10.2024



WEB COPY



WP(MD)No.9897 of 2016

B.PUGALENDHI, J.

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To

The Deputy Commissioner of Labour,
Authority under Tamil Nadu Shops and Establishment Act,
Dindigul.

WP(MD)No.9897 of 2016

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