



WP.(MD).No.31224 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.03.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.31224 of 2023

and

W.M.P.(MD)Nos.26754 and 26755 of 2023

P.M.Jegadeesan

... Petitioner

Vs.

1.Tamil Nadu Grama Bank,
Rep. By its Chairman,
No.6, Yercard Main Road,
Hasthampatti,
Salem – 636 007.

2.The Human Resource Manager/Disciplinary Authority,
Tamil Nadu Grama Bank,
No.6, Yercard Main Road,
Hasthampatti,
Salem-636 007.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in his impugned suspension order No.TNGB/VIG/SO/02/2020-2021 dated 27.05.2020 and quash the same as in violation of the settled law enunciated by the Hon'ble Supreme Court and consequently reinstate the petitioner in his original appointed place with all monitory and service benefits.

For Petitioner : Mr.Ananth C.Rajesh

For Respondents : Mr.N.Dilip Kumar, Standing Counsel



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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, seeking to quash the impugned suspension order No.TNGB/VIG/SO/02/2020-2021 dated 27.05.2020 as in violation of the settled law enunciated by the Hon'ble Supreme Court and consequently to reinstate the petitioner in his original appointed place with all monitory and service benefits.

2.The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The petitioner was employed as an Office Assistant-multipurpose in the Erstwhile Pandian Grama Bank, Pasuvanthanai Branch, Thoothukudi District with effect from 24.06.2013. He was transferred to Sayalkudi Branch, Thoothukudi District with effect from 28.08.2017. He was visited with a show cause notice dated 28.02.2020, while serving in Sayalkudi Branch. In the meanwhile, he was transferred to the Regional Office, Tirunelveli Town on 16.03.2020. The petitioner has duly submitted his explanation for the said show cause notice on 20.03.2020. Not being satisfied with the explanation submitted by the petitioner, vide order dated 27.05.2020, the Chief Manager HR suspended the petitioner from



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service. Further he was visited with a charge memo on 22.07.2020 by the second respondent. For which, he submitted his explanation on 20.08.2020. Without considering his explanation, the second respondent appointed an Enquiry Officer vide order dated 03.09.2020. Alleging that the Enquiry Officer has conducted the said enquiry in a biased manner, the petitioner filed a Writ Petition in W.P.(MD)No.11817 of 2023. This Court by its order dated 21.06.2023 was pleased to partly allow the Writ Petition directing the respondent Bank to change the Enquiry Officer. In the meanwhile, the petitioner had filed another Writ Petition in W.P. (MD)No.16590 of 2023 before this Court, challenging the chargememo dated 22.07.2020 and the same was dismissed by this Court on 01.11.2023 directing the respondents to notify the Tamil Nadu Grama Bank (Officers and Employees) Service Regulations, 2019. In the meanwhile, the petitioner has filed the present Writ Petition, challenging the suspension order dated 27.05.2020.

3.The learned counsel appearing for the petitioner submitted that in view of the issuance of charge memo, the petitioner's suspension ought to have been revoked on the basis of the dictum of the Hon'ble Supreme Court in the case of ***Ajay Kumar***



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Choudhary. However, without doing the same, he is continuously kept under suspension. That apart he also submitted that he was paid with subsistence allowance only till 1st September 2023 and thereafter, he was not paid till 29.12.2023, on which date he was paid with three months subsistence allowance pursuant to filing of the Writ Petition. Even the subsistence allowance for the month of January, February 2024 is not yet paid. He insisted that keeping the petitioner continuously in suspension would not serve any purpose, he may be transferred to some other branch of the respondent bank and shall be reinstated back in any non-sensitive post and he pressed for allowing the Writ Petition.

4.Per contra the learned Standing counsel for the respondent bank submitted that pursuant to the order passed in W.P.(MD)No. 16590 of 2023, the respondent bank has already notified the Tamil Nadu Grama Bank (Officer and Employees) Service Regulations, 2019 in the Official Gazette and a proxy case has been filed before the Hon'ble Division Bench of this Court through the Tamil Nadu Grama Bank Officers Association represented by its General Secretary in W.P.(MD)No.19140 of 2023, which was duly dismissed by the Hon'ble Division Bench of this Court on 30.01.2024 and the



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question of revoking the petitioner's suspension will never arise considering the gravity of the offence, with which he is charged by the Department. When the charges framed as against him is with respect to serious misappropriation, reinstating him back to the bank during the pendency of disciplinary proceedings will have serious implications in the disciplinary proceedings itself. However, the question of non payment of subsistence will be looked into by the Bank promptly and he undertook that the same would be paid to him without lapse till the disciplinary proceedings is concluded.

5. Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondents and carefully perused the entire materials available on record.

6. In view of the aforesaid submissions, this Court hereby direct the respondent bank to conclude the disciplinary proceedings within a period of two months from the date of receipt of copy of this order and till then the bank is strictly directed to pay the subsistence allowance on the first day of every calendar month.



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Mrn

7.In view of the above, this Writ Petition stands disposed of.
There shall be no order as to costs. Consequently, connected
miscellaneous petitions are closed.

01.03.2024

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

Mrn

To

1.The Chairman,
Tamil Nadu Grama Bank,
No.6, Yercard Main Road,
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2.The Human Resource Manager/Disciplinary Authority,
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