



WP No. 6664 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-04-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

**WP No. 6664 of 2025
AND WMP NO. 7302 OF 2025**

1. The Chairman
(the Reviewing Authority For Officer In
Grade I And Iv) The Catholic Syrian
Bank Ltd Head Office Staff Department
St.Marys College Road,
Thrissur 680020.

2.The General Manager
(Appellate Authority For Disciplinary
Proceedings) The Catholic Syrian Bank
Ltd Head Office Staff Department,
St.Marys College Road, Thrissur
680020

3.The Deputy General Manager
(disciplinary Authority) The Catholic
Syrian Bank Ltd Head Office Staff
Department St.Marys College Road
Thrissur 680020

4.The Branch Manager
The Catholic Syrian Bank Peravallur
Branch Chennai 600082
Rep By Head Hr



Petitioner(s)

Vs

1. Appellate Authority

Under The Tamilnadu Shops And
Establishments Act 1947 Rep By
Special Dy. Commissioner Of Labour
Office Of Labour Commissioner 4th
Floor Teynampet Chennai 600006

2. Raju Daniel

No.27 Sudha Nagar Lakshmipuram
Kolathur Chennai 600099.

Respondent(s)

This petition has been filed under Article 226 of Constitution of India, to issue a Writ of Certiorari Calling for the records of the 1st respondent and quash its order dated 20.10.2021 in TNSE I/I.A.No.7 of 2018

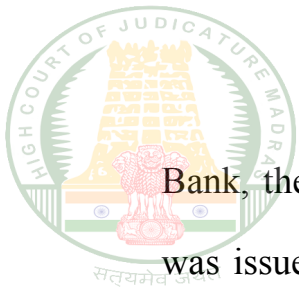
For Petitioner(s): MR. ANAND GOPALAN, FOR
M/S.AGAM LEGAL

For Respondent(s): M/S .G.JUSTIN, FOR R2 MR.
K. SURENDREN, AGP FOR R1

ORDER

This petition has been filed seeking to quash the order of the 1st respondent and quash its order dated 20.10.2021 in TNSE I/I.A.No.7 of 2018.

2. It is the case of the petitioner that the 2nd Respondent joined the services of the Bank in the year 1981 and in course of time he received promotions and was finally promoted to the post of Branch Manager. The 2nd Respondent was working as Branch Manager in the Peravallur Branch of the



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Bank, the 2nd Respondent had committed serious irregularities. A charge-sheet was issued to the 2nd Respondent on 28.03.2011 for having committed acts of misconduct, in terms of The Catholic Syrian Bank Officer Employees (Appeal & Discipline) Regulation 1993. The 2nd Respondent had denied the charges framed against him, the Petitioner had initiated disciplinary proceedings against him in terms of the Regulations. On 18.04.2012 the Enquiry Officer found the 2nd Respondent guilty of the charges. The Disciplinary Authority, concurring with the findings of the Enquiry Officer, imposed the punishment of dismissal vide proceedings dated 11.07.2012. The 2nd Respondent preferred an appeal in terms of the Regulations to the appellate authority against the order of the Enquiry officer. Appellate appeal was dismissed on 16.10.2012 and further stated that if any review against the order of appellate authority is needed shall be filed before the Reviewing Authority within a period of 30 days. The 2nd Respondent had filed a review on 28.03.2014 which was beyond the limitation period of 30 days and the same was not entertained. The 2nd Respondent preferred an appeal under Section 41(2) of the Tamil Nadu Shops and Establishments Act before the 1st Respondent after a period of nearly 5 years and the same was numbered as TNSE-1/I.A.No.7 of 2018. The Petitioner had filed a counter by opposing that the said TNSE appeal had to be dismissed since it has a delay of 1893 days and the appeal was neither reasonable nor maintainable. The 1st Respondent passed an impugned order dated 20.10.2021 by condoned the delay of 1893 days. The order of the 1st Respondent in condoning the delay of 1893 days is erroneous in law. Hence the present writ



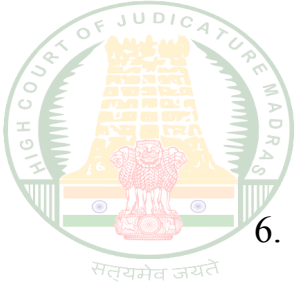
petition is filed challenging the impugned order passed by the 1st Respondent.

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3. The learned counsel for the petitioner submitted that at that time of admitting the writ petition, the petitioner specifically stated that the order of dismissal has been passed in the year 2013. However, appeal was filed in the year 2018. However, the copies of the enquiry proceedings were not available with the petitioner. The learned counsel further submitted that there is a remedy available before the Shops authority for the issues involved in this case. Therefore, the learned counsel prays that this Court may permit the petitioner to canvas all points before the Shops Authority and also directs the shops authority not to insist the petitioner for production of the copies of the enquiry proceedings.

4. However, the respondent filed counter by stating that he is ready to produce the copies before the Shops Authority.

5. Considering the facts and circumstances of the case and in view of the limited request sought for by the petitioner, this Court, without interfering with the impugned order, directs the second respondent to produce all the enquiry proceedings before the Shops Authority and permits the petitioner to canvas all the points before it. Upon receipt of the copies of the enquiry proceedings, the Shops authority shall conclude the proceedings as expeditiously as possible. The shops authority shall not insist the petitioner to produce the copies of the enquiry proceedings.



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6. In view of the above, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

02-04-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1.Appellate Authority

Under The Tamilnadu Shops And
Establishments Act 1947 Rep By
Special Dy. Commissioner Of Labour
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