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W.P.No.11931 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 03.09.2025

PRONOUNCED ON : 12.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.11931 of 2019

Ranjeeta Kumari

.. petitioner

vs

1. The Deputy Managing Director &
Appellate Authority
IDBI Bank Limited
IDBI Tower, WTC Complex
Cuffe Parade, Mumbai – 400 005.

2.The Executive Director (Human Resources)
IDBI Bank Limited
IDBI Tower, WTC Complex
Cuffe Parade, Mumbai – 400 005.

3.The Deputy General Manager
IDBI Bank Ltd
Retail Banking Zonal office
Anna Salai, Saidapet
Chennai

4.The Branch Manager
IDBI Four Roads
Salem

5.The Branch Manger
IDBI Tiruppur.

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorarified mandamus to call for the entire records relating to the proceedings in HRD/ER/Ref.No.13080 dated 28.03.2018 from the file of the 2nd respondent holding that the petitioner is guilty of voluntary cessation of service and the order in Ref.No.HRD/ER/4697 dated 11.02.2019 from the file of the 1st respondent, confirming the alleged deemed voluntary cessation of service of the petitioner, quash the same and further direct the respondents to reinstate the petitioner with back wages and all attendant service benefits.

For Petitioner : Mr.D.Shivakumaran

For Respondents : M/s.Vinitha Srinivasan
for NVS Associates.

ORDER

Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents and perused the record.

2. The petitioner by the present writ petition has assailed the actions of the 2nd respondent in issuing proceedings bearing No.HRD/ER/Ref.No.13080 dated 28.03.2018 termed as “voluntary cessation of service” as confirmed in appeal vide appellate order Ref.No.HRD/ER/4697 dated 11.02.2019 by the 1st respondent, as being vitiated on account of non conduct of departmental enquiry viz., by issuing



show cause notice, receiving reply, granting opportunity of hearing and cross examination, serving of enquiry report, followed by show cause notice and proper final order.

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3. On the petitioner filing the aforesaid writ petition. The respondents by counter affidavit filed inter-alia among various defences to the grounds of challenge in the writ petition, have taken the plea as to the non maintainability of the writ petition.

4. The respondents with regard to the non maintainability of the writ petition have urged that, though it was a “State” within the meaning of Article 12 of the Constitution of India, during the period when the alleged instances of various unauthorised absentism by the petitioner had taken place, but even before the petitioner approached this Court by filing the present writ petition on i.e, on 11.04.2019, by certain development has undergone a change in its Constitution. Further, on behalf of respondents/Bank it is contended that though the respondent bank was a public sector bank. Earlier, ceases to be the same anymore and is now categorised as a private sector bank, since, January 2019 and as such is not amenable to writ jurisdiction under Article 226 of the Constitution of India.



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5. When the matter was taken up for hearing, though on behalf of the petitioner detailed submissions were made touching upon the merits of the matter, the learned counsel appearing on behalf of respondents, firstly by drawing the attention of this Court to the press release dated 14.03.2019 issued by the Reserve Bank of India, submitted that the respondent/Bank has been categorised as private sector w.e.f. 25.01.2019 and secondly, by placing reliance on the decision of the Hon'ble Apex Court in the case of **Federal Bank Ltd V. Sagar Thomas and others** reported in **2003 (10) SCC 733**, contended that the present writ petition is not maintainable and the petitioner has to avail other remedy available to him in law.

6. Further, it is also contended that even in respect of acts which have taken place prior to the status of the respondents changing from a public sector to private sector bank, no writ can be issued as on date against the respondents and the said issue is no longer res integra, in the light of the decision rendered by the Hon'ble Apex Court in the case of **R.S.Madireddy and others V. Union of India and others** reported in **2024 SCC Online SC 965**.



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7. The learned counsel for the respondents further submits that a coordinate bench of this Court in (i) **WP.No.39898 of 2015** in the case of **R.Priyadharsini V. The Chairman & Managing Director, IDBI Bank Ltd, IDBI Tower, WTC Complex, Cuffe Parade, Mumbai – 400 005** dated **20.01.2015** and (ii) **WP.No.33019 of 2016** in the case of **G.Udayakumar V. IDBI Bank Ltd, Rep by its Managing Director & CEO, IDBI Tower, WTC Complex, Cuffe Parade, Mumbai – 400 005** dated **31.01.2025** in respect of the same respondents/Bank, having regard to the aforesaid decision of the Hon'ble Apex Court had held that the writ petition is not maintainable. As such, the present writ petition is not maintainable.

8. On the aforesaid submission being made by the learned counsel appearing for the respondents, the learned counsel for the petitioner submits that in the event of this Court holding that the present writ petition is as not maintainable, the petitioner's right may be preserved enabling the petitioner to avail the remedies, otherwise open to him in law, on the very same cause



of action by excluding the time spent in pursuing the present writ petition, before this Court.

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9. In view of the aforesaid submissions and having regard the law laid down by the Hon'ble Apex Court in the case of *Federal Bank (Cited supra)* and *R.S. Madireddy (Cited supra)* and the decisions of the coordinate bench of this Court in *WP.No.39898 of 2015 dated 20.01.2015 (cited supra)* and *WP.No.33019 of 2016 dated 31.01.2025 (cited supra)*. This Court is of the view that on account of the change of Status of the respondents Bank from a public sector Bank to private sector bank w.e.f. 21.01.2019, the respondents Bank cannot be considered as “State” under Article 12 of the Constitution of India, in order to maintain the present writ petition.

10. As such, no mandamus can be issued under Article 226 of the Constitution of India against the respondents. Accordingly, the writ petition is liable to be dismissed.

11. However, all the rights of the petitioner against the impugned proceedings are preserved and the petitioner is at liberty to initiate



appropriate action as agitated in the present writ petition by approaching the appropriate forum.

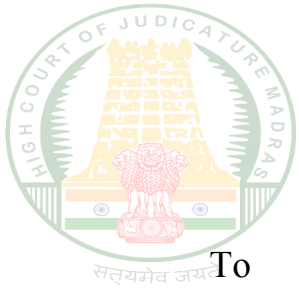
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12. In the event of the petitioner initiating action against the impugned proceedings and the cause of action by approaching the appropriate forum, the period spent in pursuing the present writ petition i.e., from the date of filing of the writ petition on 11.04.2019, till the date of receipt of the copy of this order shall stand excluded in terms of Section 14 of the Limitation Act, 1963.

13. Accordingly, the writ petition is dismissed, subject to the liberty noted herein above. No order as to costs. Miscellaneous petitions, if any, stands closed.

12.09.2025

Speaking order / Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
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To

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T. VINOD KUMAR, J.

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Pre-Delivery Order in

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