



W.P.(MD)No.19451 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.(MD)No.19451 of 2025

L.Sankar Dev

... Petitioner

-VS-

1.The Managing Director cum Executive Officer,
Indian Bank, Corporate Office,
Nos.254 to 260, Avvaishanmugam Salai,
Royapettai, Chennai- 14.

2.The General Manager,
HRM, Indian Bank,
Indian Bank,
Nos.254 to 260, Avvaishanmugam Salai,
Royapettai, Chennai- 14.

3.The Branch Manager,
Indian Bank,
Rajagopalapuram Branch,
Pudukkottai, Pudukkottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to disburse the retirement benefits in the light of analogous verdict supra and on the basis of the petitioner's representation dated 17.02.2025 within the stipulated time that may be fixed by this Court.



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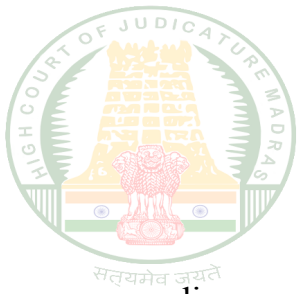
For Petitioner : Mr.N.Madhava Govindan
For Respondents : Mr.C.Karthik
Standing Counsel

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to disburse the retirement benefits in the light of the analogous verdict supra and pursuant to the petitioner's representation dated 17.02.2025, within the time frame to be fixed by this Court.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. According to the petitioner, he joined the service of the third respondent Bank on 10.06.1978 as a Clerk-cum-Shroff and after periodical promotions, he hold the post of Branch Manager (Scale IV) by 2010 and had rendered 33 years of unblemished service. However, disciplinary proceedings were initiated against him and despite there being no financial loss to the bank or any criminal conviction involving moral turpitude, the petitioner was awarded the



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disproportionate punishment of dismissal from service. It is submitted that the bank has erroneously and unlawfully invoked Rule 4(j) of the Indian Bank Officers (Discipline & Appeal) Regulations, 1976, relying on a misapplication of Section 10(b)(i) of the Banking Regulation Act, 1949, which mandates that dismissal on the grounds of moral turpitude must follow a conviction by a criminal Court. In the petitioner's case, no such conviction exists. The petitioner had also approached the National Human Rights Commission (NHRC), New Delhi, for redressal of the wrongful dismissal, excluding the claim for gratuity, which was already settled.

4. It is submitted that the dismissal, being based on an incorrect interpretation of "moral turpitude" and without adherence to the statutory preconditions, is arbitrary, excessive and violative of the principles of natural justice. In this regard, the petitioner has also sent a representation dated 17.02.2025 to the first respondent. Since the same has not been considered so far, the petitioner has approached this Court for appropriate reliefs, including setting aside the order of dismissal and for disbursal of his denied terminal benefits.



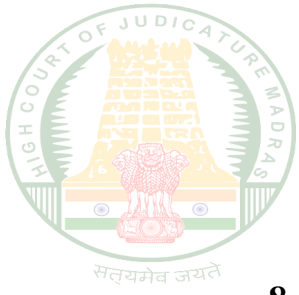
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5. Heard both sides.

6. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon him to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of the Constitution of the India and direct them to consider the same within a stipulated time.

7. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 17.02.2025, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of two months from the date of receipt of a copy of this order. It is also made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the first respondent to consider the same on its own merits.



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8. With the above directions, the Writ Petition stands disposed of. There shall be no order as to costs.

NCC : Yes / No

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Index : Yes / No

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To:-

- 1.The Managing Director cum Executive Officer,
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- 2.The General Manager,
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VIVEK KUMAR SINGH, J.

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