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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2025

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.A(MD)No.786 of 2025

V.Rajapandian

...Appellant

-Vs-

1. The Indian Bank,
Represented by its Chairman Cum Managing Director,
254-260, Avvai Shanmugam Salai,
Royapettah, Chennai - 600 014.
2. The Executive Director,
(Review Authority),
Indian Bank, 254-260,
Avvai Shanmugam Salai,
Royapettah, Chennai - 600 0014.
3. The General Manager,
(Appellate Authority),
Indian Bank, 254-260,
Avvai Shanmugam Salai,
Royapettah, Chennai - 600 0014.



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4. Deputy Zonal Manager,
Assistant General Manager/disciplinary Authority,
Indian Bank, Circle Office, 100-101,
East Avani Moola Street,
Madurai - 625 001.

...Respondents

PRAYER: Writ Appeal filed under Clause XV of Letters of Patent Appeal, to set aside the order, dated 14.06.2022 made in W.P.(MD).No.12312 of 2018 and consequently direct the respondents to pay full back wages from 23.03.2002 till date of superannuation i.e. on 28.02.2019 in addition to all other attendant terminal benefits already directed to be paid to the appellant by the Learned Single Judge.

For Appellant : M/s.R.Murugan

JUDGMENT

DR.G.JAYACHANDRAN, J.
AND
R.POORNIMA, J.

The Appellant been found guilty of misappropriation of funds of Indian Bank.



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2. The Appellant who was imposed with the punishment of Compulsory retirement after being found guilty of misconduct for misappropriating bank funds while discharging his duty as Clerk and later promoted as Officer in the Junior Management Grade Scale-I, has aggrieved by the Order of Compulsory retirement. He challenged the order, dated 30.05.2017 by way of *Writ of Certiorarified Mandamus* to call for records and quash the said order.

3. This Court after perusing the records, the Learned Single Judge of this Court after proven the misconduct has modified the punishment of Compulsory retirement into reduction of five stages and to reinstate his service without back wages, but regularised the suspension period as duty period. Being aggrieved, the present Appeal is filed stating that the Learned Single Judge has not considered the fact that even after direction of this Court in W.P.(MD)No.1038 of 2009 to re-appreciate the evidence afresh and pass fresh order, the Disciplinary authority has not re-appreciated the



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evidence, but had reiterated the earlier order of Compulsory retirement and also aggrieved by the order of reinstatement without back wages.

4. On perusing the records, this Court finds that after remitting to the authorities for fresh consideration, the Disciplinary authority had applied his mind afresh and passed an order of Compulsory retirement. However, the Learned Single Judge has thought fit that the Compulsory retirement is harsh and, therefore modified it, thereby safeguarding the employment of the writ appellant, who had engaged in misconduct by misappropriating the bank's funds.

5. In view of the foregoing reasons, this Court finds that it is a clear case of misconduct committed by the appellant deserves a punishment proportionate to the misconduct. The Learned Single Judge, after considering the facts, passed an order that is appropriate to the proven misconduct. The Intracourt appeal against the said decision does not attract any valid grounds for interference.



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6. With the above observations, the Writ Appeal stands dismissed.

No costs.

[G.J., J.] & [R.P., J.]
27.03.2025

NCC : Yes / No
Index : Yes / No

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