



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 24-02-2026

PRONOUNCED ON: 12-03-2026

CORAM

**THE HONOURABLE Mr.JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN**

WA No. 1436 of 2015

1. S.Thangavelu
S/o.Sathan,
Formerly Clerk/Shroff
Indian Overseas Bank,
3/335, Kabali Nagar II Main Road,
Adanoor, Guduvancherri,
Sriperumbudur Tk., Kanchipuram Dt.,

Appellant(s)

Vs

1. The Presiding Officer
Central Government,
The Industrial Tribunal Cum Labour
Court, Chennai-104

2.The General Manager
Central Officer, Indian Overseas Bank,
Personnel Department,
762, Anna Salai, Chennai-2

3.The Deputy General Manager/
Disciplinary Authority/ Central
Officer, Indian Overseas Bank,
762, Anna Salai, Chennai-2.

Respondent(s)



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PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent, praying to set aside the order passed by the learned Judge in WP.No.17798 of 2015 dated 23.06.2015.

For Appellant(s): Mr.Vignesh Raj
for Mr.M.Muthappan

For Respondent(s): Mr.A.Vigneshwaran
for Mr.K.Srinivasamurthy
For R2 & R3
R1 - Labour Court

JUDGMENT

(Judgement of the Court was made by C.Kumarappan J.)

This Writ Appeal is arising against the order of the learned Single Judge in WP.No.17798 of 2015. The appellant and the respondents are the petitioner and the respondents before the Writ Court.

2.For the sake of convenience, the parties will be referred to according to their litigative status before the Writ Court.

3.The brief facts which are necessary for the disposal of the Writ Appeal is that, the petitioner was a Clerk in the 2nd respondent-Bank. While



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he was serving as a Clerk, he was issued with a Charge Memo on 24.07.2011 for the delinquency of stealthily removing the cheque book, fraudulently making a fictitious entry in the Cheque Book Register and for forgery. In a nutshell, the charge framed against the petitioner is for forgery and for fraudulent activity. The petitioner submitted his explanation to the charge memorandum. But, not satisfying with the explanation, the respondent-Bank conducted a domestic enquiry, and ultimately the Enquiry Officer found guilt of the petitioner against all the charges. Eventually, the petitioner was imposed with a punishment of dismissal. The Appellate Authority also rejected the appeal filed by the petitioner. Hence, the petitioner raised an industrial dispute in I.D.No.83 of 2013, and the Labour Court confirmed the punishment of dismissal. Not satisfying with the order of the Labour Court, when the petitioner preferred a writ petition in WP.No.17798 of 2015, the same was dismissed by the learned Single Judge by confirming the award of the Labour Court. Not satisfying with the same, the present appeal is filed.

4.Heard Mr.Vignesh Raj, learned counsel for the appellant and Mr.A.Vigneshwaran, learned counsel for the respondents 2 & 3.



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5. The learned counsel for the appellant would vehemently contend that the charges are fictitious and that the Enquiry Officer and the Disciplinary Authority did not take into consideration of the existing practice prevailed in the branch, where the petitioner was working. He would further submit that since it was a rural one, the petitioner used to help the customers, those are illiterate, to fill the cheque. However, the Disciplinary Authority without considering such factual position, by simply relying upon the enquiry report and the statement of the witnesses, passed the final order. He would further submit that without even examining the handwriting expert, the enquiry report was marked. It is the further submission of the learned counsel for the petitioner that the mere marking of such document cannot be construed as proof of denial, unless such document is proved through witnesses. In support of the contention, he relied upon the judgment of the Hon'ble Supreme Court in *Roop Singh Negi Vs. Punjab National Bank and others* reported in *(2009) 2 SCC 570*. Hence, prayed to interfere with the impugned order.

6. *Per contra*, the learned counsel for the respondent-Bank would contend that the very award passed by the Labour Court as well as by the Disciplinary Authority is not merely based upon the documents, but also



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based upon the evidence available before them, more specifically, the admission made by the petitioner. It is the further submission of the learned counsel that the reliance of handwriting expert of the forensic Science Department is admissible in evidence as per Section 293 of Cr.P.C read with 73 of the Indian Evidence Act. Therefore, the non examination of the handwriting expert will in no way affect the findings rendered by the Enquiry Officer. The learned counsel would further submit that the petitioner being in a Bank and holding a responsible position, has committed breach of trust, forgery and misappropriation. Therefore, the delinquency may not be dealt leniently. In the case in hand, all due procedures have been followed including the principles of natural justice. Therefore, the question of interference of the Labour Court award does not arise and that the learned Single Judge has gone into these aspects and has rightly dismissed the writ petition. Therefore, there are no ground to interfere with the award of the Labour Court as well as the Writ Court. Hence, prayed to dismiss the writ petition.

7. We have given our anxious consideration to either side submissions.



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8.The main contention put forth by the learned counsel for the petitioner is that the Enquiry Officer, merely relying upon the documents produced by the Management witnesses and without even examining the author of the documents, relied upon the same, which is contrary to law. In the case in hand, it is the case of the respondent-Management that the petitioner has written the cheque book issuance Register and the Cheque leaf, and such factum was also accepted by the petitioner in his explanation (Ex.W3). Though it was contended by the petitioner that he used to help the illiterate persons, he was not in a position to identify the person who sought his help. Further more, the fact remains that his signature found in the cheque leaf and the cheque issuance register is palpable. When the petitioner pleaded helping of the customer, as the branch is a rural branch and having only limited accounts, his inability in identifying the alleged customer who sought his help is palpable dichotomy of his defence. As stated supra, he admitted the handwriting in the cheque issuance register in Ex.W3.

9.Only in that context, the handwriting expert opinion given by the Deputy Director of Forensic Department, Chennai was received in evidence. The learned Presiding Officer, Labour Court has recorded that the report of



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the handwriting expert is admissible in evidence under Section 293 Cr.P.C as well as Section 73 of Indian Evidence Act. When the handwriting expert report is admissible in the criminal proceedings, by virtue of Section 293 Cr.P.C, the reliance on such report in the disciplinary proceedings, that too in the back drop of the admission made by the petitioner himself cannot be faulted.

10.If really the petitioner has helped any illiterate person, it is for him to prove before the Disciplinary Authority, as to under whose instructions, he has filled up the cheque.

11.It is pertinent to mention that the forgery was surfaced and came to the knowledge of the Manager on the date when it was happened. Therefore, the defence put forth by the petitioner that he was not in a position to recognise who sought his help is unbelievable. At this juncture, it is relevant to refer the judgment relied upon by the learned counsel for the petitioner in **Roop Singh Negi** [cited supra]. In the said judgment, the Hon'ble Supreme Court held that mere marking of documents are not sufficient, unless it is proved through witnesses. It further held that the enquiry report should not be



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based on the conjunctures and surmises. But, in the case in hand, the Disciplinary Authority arrived at a conclusion not only based upon the expert opinion, but also upon the admission of the petitioner and that the expert opinion was used as a corroboration. Therefore, it is too far-fetched on the part of the petitioner to argue that the findings of the enquiry officer is merely based upon the documents which was not proved.

12. At this juncture, it is appropriate to state the contours of the judicial review. Unless the order of the Labour Court is perverse, the question of interference with the award does not arise. In the case in hand, while harmoniously reading the order of the Labour Court, this Court does not find any perversity in the order, as the Labour Court has considered both the factual aspects as well as the legal aspects and only upon the reason as stated supra, the Labour Court ultimately found that the conclusion reached by the Enquiry Officer, and that the punishment of dismissal is in order. Such finding, in our opinion does not require any interference. Further, the petitioner also could not make out any case, so as to deviate from the decision of the learned Single Judge. Hence, we do not find any merits in the present Writ Appeal.



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13. In the result, this Writ Appeal stands dismissed. No costs.

(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)
12-03-2026

Index: Yes
Speaking order
Internet: Yes
Neutral Citation: Yes
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To

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Central Government, The Industrial
Tribunal Cum Labour Court,
Chennai-104

2. The General Manager
Central Officer, Indian Overseas Bank,
Personnel Department, 762, Anna
Salai, Chennai-2

3. The Deputy General Manager/
Disciplinary Authority/ Central Office,
Indian Overseas Bank,
762, Anna Salai, Chennai-2



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**Pre-Delivery Judgement
in WA No. 1436 of 2015**

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