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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-02-2026

CORAM

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

WP No. 20652 of 2016

A.Sundararajan

Petitioner(s)

Vs

1. The Managing Director,
The Pondicherry State Co-operative Bank Ltd.,
Puducherry.

2.The Administrator-Cum-Board,
The Pondicherry State Co-operative Bank Ltd.,
Puducherry.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the order No.PSCB/HO/ 668/2015-16/B dated 31.10.2015 and read with the Charge Memo dated 21.12.2012 issued by the 1st respondent, quash the same and direct the respondents to regularize the period of suspension from 18.12.2012 to 19.06.2014 with full backwages.

For Petitioner(s): M/s.S.Meenakshi

For Respondent(s): Mr.R.Sreedhar
Additional Government Pleader



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ORDER

The petitioner challenges the order dated 31.10.2015 issued by the first respondent, whereby the punishment of stoppage of one increment without cumulative effect was imposed on him.

2. The petitioner, while serving as Chief Cashier, was issued a charge memo dated 21.12.2012 alleging that he reported for duty at the Embalam Branch on 17.10.2012 and, after reporting, without formally taking charge and without complying with the directions of the Branch Manager, applied for Casual Leave for four days from 17.10.2012 to 20.10.2012, thereby exhibiting insubordination. It was further alleged that he availed Earned Leave on medical grounds for 13 days from 22.10.2012 in two spells. As per the Leave Regulations, Casual Leave cannot be combined with Earned Leave, and thus he allegedly violated the Leave Regulations. It was also alleged that, upon reporting for duty after 14 days (excluding Sunday), he refused to perform cash counter duties as instructed by the Branch Manager and remained idle during working hours without attending to any work.



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3. It was further alleged that from 06.11.2012 to 15.12.2012, the petitioner remained absent from duty and applied for Earned Leave on medical grounds through four applications. For the first 12 days, he claimed to be suffering from fever but did not submit a Medical Certificate. For the subsequent period commencing from 18.11.2012, a Medical Certificate recommending rest from 15.11.2012 for two weeks (i.e., up to 28.11.2012) was submitted. However, the Fitness Certificate indicated absence from 06.11.2012 to 15.12.2012, allegedly revealing inconsistencies.

4. The petitioner submitted his explanation denying the charges. Not being satisfied, the first respondent initiated departmental enquiry proceedings. The petitioner participated in the enquiry. The Inquiry Officer, after recording the statements of witnesses examined by the Presenting Officer and the statement of the petitioner, held that the charges were proved. The petitioner submitted his reply to the second show cause notice challenging the findings. Thereafter, the first respondent, upon consideration of the enquiry report and the petitioner's explanation, passed the impugned order imposing punishment.



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5. Learned counsel for the petitioner submitted that the primary allegation was that the petitioner combined Earned Leave with Medical Leave, which was impermissible. However, the leave had been duly sanctioned by the competent authority, and therefore the charge is without substance. It was further submitted that the petitioner had been subjected to repeated transfers over a span of four years, which indicates victimisation.

6. In response, learned counsel for the respondent submitted that the petitioner obtained sanction of Earned Leave by misrepresentation and combined it with Medical Leave, which is impermissible under the Regulations governing the service conditions. It was further submitted that the findings of the Inquiry Officer were based on material records and, in the absence of arbitrariness or perversity, this Court ought not to interfere. It was also contended that an efficacious alternative remedy is available under the Puducherry Co-operative Societies Act, 1972, and therefore the writ petition is not maintainable.

7. Heard the learned counsel on either side and perused the materials



available on record.

8. The petitioner has produced the proceedings of the General Manager, who is the competent authority to sanction leave. The said proceedings clearly indicate that the Earned Leave and Medical Leave were sanctioned in favour of the petitioner. Therefore, the charge that the petitioner combined Earned Leave with Medical Leave in violation of the Regulations lacks substance. The petitioner availed leave pursuant to sanction granted by the competent authority, which was granted after due verification of the applications submitted by him.

9. No material was placed before the Inquiry Officer to substantiate the alleged inconsistencies in the Medical Certificates, except for bald assertions. The petitioner's absence on account of ill health cannot be termed unauthorised when the leave had been duly sanctioned. The sanctioned leave has not been revoked or cancelled. Hence, the contention that the petitioner violated the Leave Regulations is unsustainable.

10. The first respondent is a Government-owned and controlled Bank



registered under the Puducherry Co-operative Societies Act, 1972, and is therefore an instrumentality of the State within the meaning of Article 12 of the Constitution of India. Though an alternative remedy is available under the said Act, this writ petition has been pending since 2016. At this stage, relegating the petitioner to avail the alternative remedy would result in miscarriage of justice rather than securing the ends of justice. Hence, the objection regarding maintainability is rejected.

11. In view of the above discussion, the impugned order dated 31.10.2015 passed by the first respondent is legally unsustainable and is accordingly quashed.

12. With the above directions, this writ petition is allowed. No costs.

25-02-2026

Jd
Index: Yes/No
Internet: Yes
Neutral Citation: Yes/No



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To

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2. The Administrator-Cum-Board,
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HEMANT CHANDANGOUDAR J.
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