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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2026

CORAM

THE HON'BLE MR JUSTICE C. SARAVANAN

WP No. 43034 of 2026
and W.M.P.Nos.48322 & 48323 of 2026
CNR: {HCMA012410352026}

The Management of Indian Overseas Bank
Central Office, 763, Anna Salai,
Chennai 600 002

..Petitioner(s)

Vs

A Sitrarasu, No.4/328, V.P.Sinthan Street,
Floor Mill, Nagamalai, .Madurai 625 019

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Certiorari, calling for the records of the impugned Award dated 13.05.2026 in I.D.No. 33 of 2016 passed by the Learned Central Government Industrial Tribunal cum- Labour Court, Chennai and quash the same.

For Petitioner(s): Mr.V.Stalin

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ORDER

The petitioner / Bank has filed this writ petition challenging the impugned award dated 13.05.2026 passed by the Central Government Industrial Tribunal-

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cum-Labour Court, Chennai, in I.D. No. 33 of 2016. By the said award, the Industrial Dispute raised by the respondent was allowed with the following observations:

> *"The claim petition filed by the Petitioner is allowed. Since the Petitioner has already reached the age of superannuation, the Respondent / Management is directed to provide the Petitioner notional reinstatement into service of the Respondent Bank with 50% of back wages without any interest, within a period of two months from the date of publication of this Award."*

2. The facts on record reveal that the respondent was served with a charge memo on 18.01.2014, levelling five different charges against him, including demanding a bribe from one I. Krishnan, who had approached the bank for a loan for his father, K. Karanthamalai, and K. Nagasakthi.

2.1. The other allegations were that the respondent had instigated defaulters - whose accounts had been declared 'Non-Performing Assets' (NPAs) to not to repay their loans by claiming that the government would waive them, thereby misguiding borrowers and customers into withholding their bank dues.

2.2. The other charge against the respondent is that he had threatened a bank official through certain borrowers while staff members were performing their official duties. Specifically, it is alleged that a borrower threatened the Assistant Manager, Mr. P. Sampath Kumar, when the officer visited a defaulting borrower employed at the Gowri Hotel in Arasaradi, Madurai.

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Furthermore, the respondent allegedly instigated Mr. Thangavel, the former President at Melamathur, to send an anonymous letter against the staff member, thereby engaging in criminal intimidation, threatening bank staff, and preventing an official from executing their duties, which acted to the prejudice of the petitioner bank's interests.

2.3. The further charges against the respondent was that the respondent had demanded money from the borrowers towards waiver of loans, which was granted by Government of India through Debt Waiver Scheme, specifically the charge against the respondent by the petitioner's bank was that the respondent had demanded a sum of Rs.45,000/- as bribe from one S.R.Kannappan, who had been granted Debt Waiver for the loan received from the branch and since the said S.R.Kannappan had failed to comply with the illegal demand, the respondent started ill treating the said S.R.Kannappan whenever he visited the bank's branch for availing banking facilities and the respondent had behaved impolitely with the customers and had uttered vulgar words thereby spoiled / damaged / tarnished the image of the petitioner's bank.

2.4. It has also been alleged that the respondent had visited the house of the borrower / customers and demanded money from them as bribe, claiming that the loans were sanctioned to them because of the respondent's recommendations, and that one Mr.Sornam, Manager of the Branch vide letter

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dated 04.09.2013 reported that the respondent was in the habit of visiting the house of borrower / customers and demanding money from them as bribe.

3. The Disciplinary Authority conducted the inquiry itself and rendered a finding against the respondent on 02.06.2014, and eventually dismissed the respondent on 19.08.2014. This dismissal was challenged before the Tribunal, which has now culminated in the impugned order exonerating the respondent from the charges and reinstating him in the petitioner's bank.

4. A perusal of the impugned order reveals that the complainant, namely Mr.I.Krishnan, who had alleged that the respondent demanded a bribe, withdrew his statement during the course of the inquiry. The impugned order also reveals that, barring the officers of the petitioner bank, no independent witnesses were examined by the bank during the inquiry.

5. *Prima facie*, there are indications of bias in the punishment awarded, as the Disciplinary Authority himself acted as the Inquiry Officer. Relying on the decisions rendered in this context by the courts, it must be concluded that the order of dismissal was biased in the absence of independent evidence.

6. Even otherwise, in disciplinary proceedings, through the Disciplinary Authority is required to arrive at a conclusion based on a preponderance of

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probabilities supported by direct or indirect evidence which would establish preponderance of probability. In the present case, there are no direct or indirect evidence, barring the statements of witnesses who are employees of the petitioner bank who can be said to interested witnesses.

7. As such, I do not find any merit in the challenge to the impugned order passed by the Central Government Industrial Tribunal-cum-Labour Court, Chennai, and therefore, challenge to the impugned order dated 13.05.2026 in I.D.No.33 of 2016 is held to be not maintainable. That apart, the scope of judicial review under Article 226 is confined to the decision making process and not the decision per se.

8. Therefore, this writ petition is dismissed on the above terms. There shall be no order as to costs. Consequently, the connected writ miscellaneous petitions are closed.

28-10-2026

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

The Learned Central Government Industrial
Tribunal cum- Labour Court, Chennai.

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C.SARAVANAN, J.

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