

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.02.2021**

CORAM:

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE SETHILKUMAR RAMAMOORTHY

W.A.No.1197 of 2020

M.Umapathy ... appellant

Vs

1.Indian Overseas Bank,
rep. by its Chief Executive Officer/
MD (incharge)
Indian Overseas Bank,
Central Office,
763, Anna Salai,
Chennai 600 002

2.The General manager (HRMD IR Section)
Indian Overseas Bank,
Central Office,
763, Anna Salai,
Chennai 600 002

3.The Chief Manager/Disciplinary Authority
Regional Office,
Indian Overseas Bank,
No.3, First Floor, 10th East Cross Road,
Gandhi nagar,
Vellore 632 006

... respondents

Appeal filed against the order passed by this Court dated
08.10.2020 in WP No.14297 of 2020.

For Appellant : Mr.K.M.Ramesh

J U D G M E N T

(Delivered by The Hon'ble Chief Justice)

The challenge in the writ petition was to a charge-sheet or a show-cause notice. The grievance of the writ petitioner is that the writ petition has been dismissed with costs assessed at Rs.10,000/-.

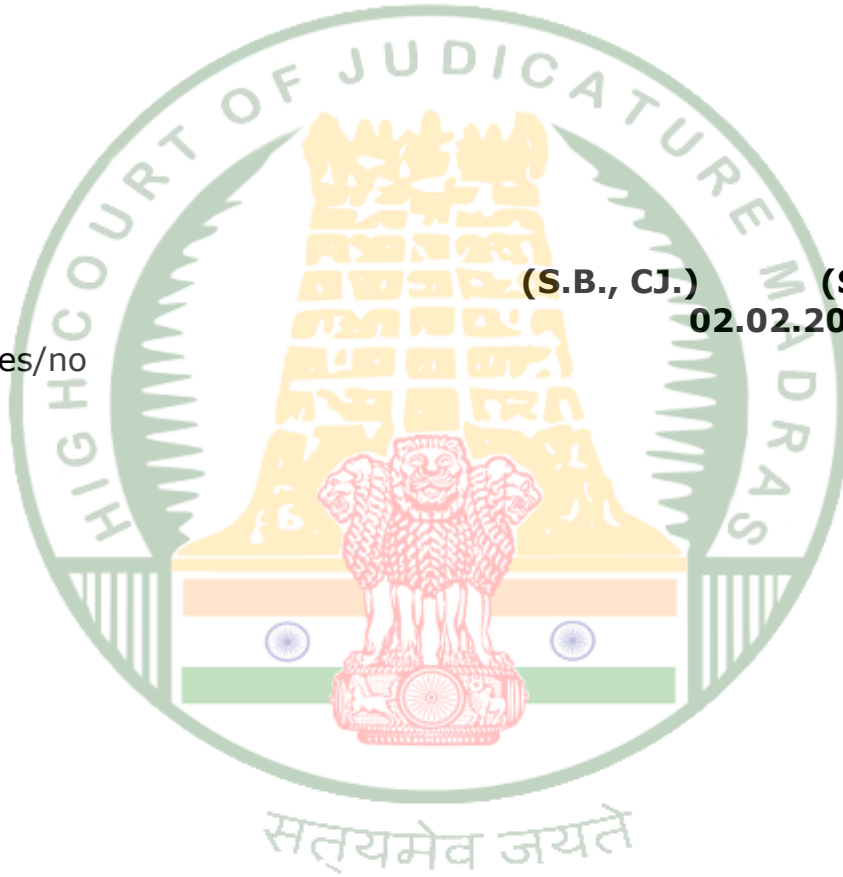
2. It is elementary that a charge-sheet or a show-cause notice cannot be interfered with in the extraordinary jurisdiction under Article 226 of the Constitution of India unless it is demonstrated to be completely in error of jurisdiction or otherwise absurd and completely baseless even to the meanest mind. The basis for the principle is that a show-cause notice or a charge-sheet does not cause any prejudice to the recipient as the recipient has an opportunity to make a representation thereagainst. Oftentimes, exuberant litigants jump the gun and rush to the court at the first available opportunity without completing the usual course of things before the appropriate authorities.

3. It is not the writ petitioner's case that there has been any breach of the principles of natural justice. After all, only a show-cause notice or a charge-sheet has been issued. It cannot be the writ petitioner's case that the person who has addressed the notice did not have the authority to do so. It also cannot be the writ petitioner's case that there is absolutely no basis to the charge-sheet or the show-cause notice. The high tests required to be met to successfully challenge a show-cause notice or a charge-sheet are not made out in the present case.

4. In the circumstances, it was most appropriate for the writ petition to be dismissed. As to the costs, the appellate court would be slow to interfere in such a situation where the writ petition appears to be completely unjustified. Further, a message has to be sent loud and clear that frivolous litigations would not be tolerated. Courts are filled with dishonest petitions and untruthful defences in most cases. It is because of the frivolous litigations that are filed that the system has clogged up. It is time that appropriate costs are awarded to reward dishonest and luxury litigants so that they are warned of their course

of action in future. The order impugned calls for no interference. There is no merit in the appeal. W.A.No.1197 of 2020 is dismissed. The appellant is not burdened with further costs that the appellant rightly deserves. Consequently, C.M.P.Nos.14682 and 14683 of 2020, are closed.

Index: Yes/no
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(S.B., CJ.)

(S.K.R., J.)

02.02.2021

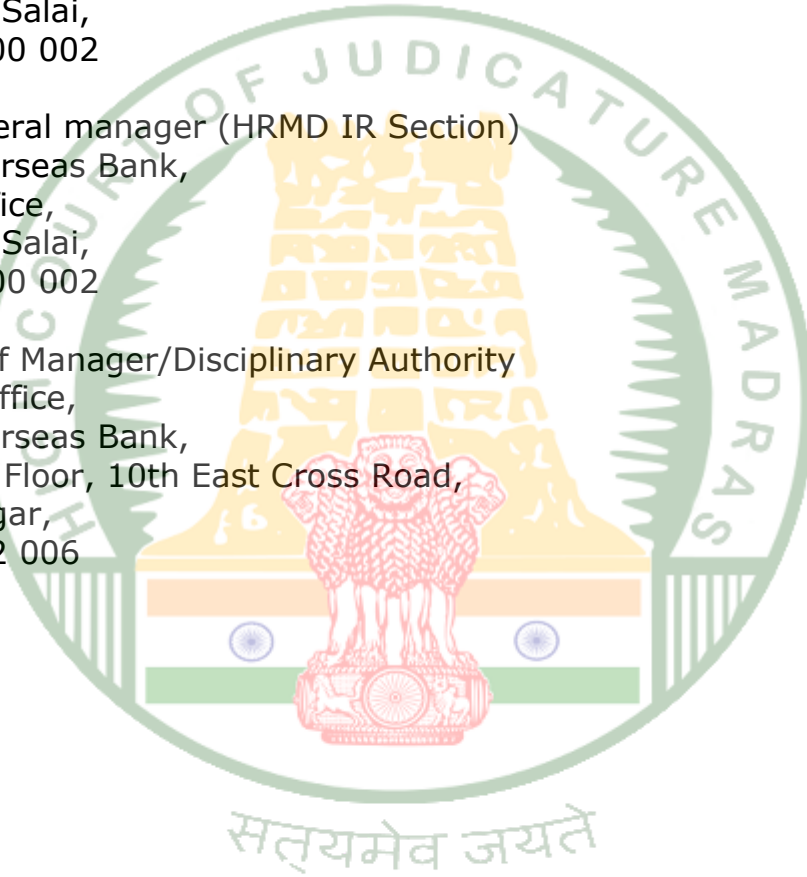
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To

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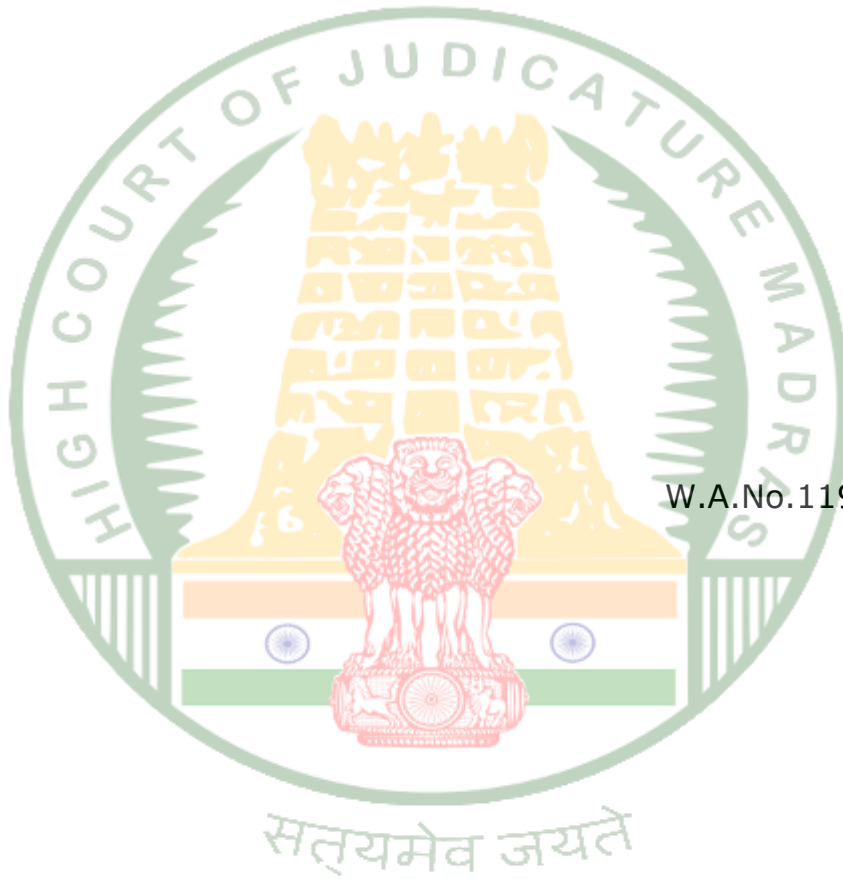
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The Hon'ble Chief Justice
and
Senthilkumar Ramamoorthy, J.

(tar)



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