



W.P(MD)No.13850 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED : 08.07.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P(MD)No.13850 of 2022**

N.Jagannath

... Petitioner(s)

vs.

1. The Joint Commissioner (Labour),  
Office of the Labour Commissioner  
(TN Shops and Establishments Act),  
Collectorate Office Complex,  
Dindigul.

2. The Vice President,  
The Lakshmi Vilas Bank Ltd.,  
HRD, Corporate Office,  
No.4, Sardar Patel Road,  
Guindy,  
Chennai – 600 032.

3. The Vice President,  
The Lakshmi Vilas Bank Ltd.  
(Now DBS Bank India Ltd.)  
(Formerly Lakshmi Vilas Bank Ltd. (LVB Ltd.)),  
HRD Department,  
No.4, LVB House,

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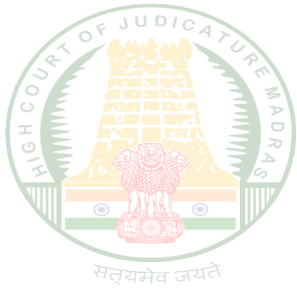
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4. The Assistant Vice President,  
The Lakshmi Vilas Bank Ltd., HRD,  
Corporate Office,  
No.4, Sardar Patel Road,  
Guindy,  
Chennai – 600 032.

... Respondent(s)

**PRAYER** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus or any other appropriate Writ, or order or direction, more in the form of Writ, by calling for the records, pursuant to the impugned order dated 14.02.2022 passed by the 1st respondent in T.S.E. Appeal No. 02 of 2020 confirming the dismissal order of the 4th respondent in his proceedings in LVB/102-09.03/CGS(0)13/509 2018-2019 dated 29.08.2018 and quash the same as illegal and consequently direct the respondents 2 to 4 to reinstate the petitioner with back-wages and all attended benefits.

For Petitioner : Mr.S. Gokulraj  
For R1 : Mr.M.Mahaboob Athiff, Counsel for State  
For R2 to R4 : Mr.Anand Gopalan  
for M/s.T.S.Gopalan & Co.



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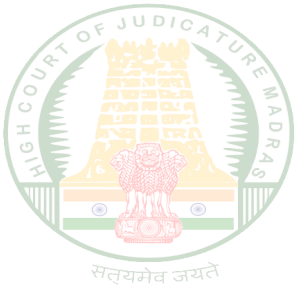
## **ORDER**

Challenging the order dated 14.02.2022 passed by the first respondent confirming the order of dismissal passed by the fourth respondent, the present writ petition has been filed by the petitioner.

2. The brief facts leading to the filing of the writ petition are as follows:

2.1. The case of the petitioner is that he entered the service of the second respondent Bank in the year 1986. The petitioner is a physically challenged person suffering from 76% disability. He initially joined the Bank as a Clerk and was subsequently promoted to the post of Deputy Manager.

2.2. While the petitioner was serving as Deputy Manager at the Karur Branch, he was commuting between Bengaluru, his native place and Karur. On 19.03.2018, while travelling by the Yeshwanthpur–Dadar Express from Bengaluru to Karur and after alighting at the Karur Railway Station, the



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petitioner, along with one Sathish Kumar, was intercepted by the officials of the Prohibition Enforcement Wing. During the inspection, certain Indian Made Foreign Liquor (IMFL) bottles were allegedly recovered from them. According to the prosecution, the liquor had been purchased at Bengaluru for the purpose of sale in the local market at Karur.

2.3. Based on the said allegation, a criminal case was registered against the petitioner in Crime No.436 of 2018 for the offence punishable under Section 4(1)(a) of the Tamil Nadu Prohibition Act. After completion of investigation, a final report was filed and taken on file in C.C. No.317 of 2018 on the file of the learned Judicial Magistrate No.I, Karur.

2.4. In the meanwhile, the second respondent initiated disciplinary proceedings against the petitioner on the very same allegations that formed the subject matter of the criminal prosecution. The disciplinary proceedings culminated in an order dismissing the petitioner from service.



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2.5. Aggrieved by the order of dismissal, the petitioner preferred an appeal under Section 41 of the Tamil Nadu Shops and Establishments Act before the first respondent. The first respondent dismissed the appeal by confirming the order of dismissal. Challenging the same, the present writ petition has been filed before this Court.

3. The petitioner appeared in person present before this Court. The learned counsel appearing for the petitioner submitted that both the criminal prosecution and the departmental proceedings arose out of the very same set of facts and allegations. The learned counsel submitted that after a full-fledged trial, the competent Criminal Court acquitted the petitioner of all the charges. Therefore, when the foundation for both the criminal case and the disciplinary proceedings is identical, the order of dismissal cannot be sustained. The learned counsel further submitted that there is absolutely no distinction between the allegations levelled in the criminal case and those forming the basis of the disciplinary proceedings. Once the petitioner has been acquitted in the criminal



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case, the disciplinary proceedings initiated on the very same allegations ought to have been set aside. However, the Appellate Authority failed to take note of the acquittal and mechanically confirmed the order of dismissal, which is liable to be interfered with.

4. The learned counsel for the petitioner further submitted that during the pendency of the writ petition, the petitioner attained the age of superannuation and retired from service in the year 2024. On instructions, the learned counsel fairly submitted that the petitioner is not pressing his claim for back wages for the period from the date of dismissal till the date of retirement. However, he prayed that this Court may direct the respondents to treat the said period as qualifying service solely for the purpose of calculating pension and other terminal benefits and consequently direct the respondents to settle all the retirement benefits due to the petitioner.

5. Per contra, the learned counsel appearing for the respondents 2 to 4 submitted that mere acquittal in a criminal case would not automatically render the disciplinary proceedings invalid. According to the learned counsel, the



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standard of proof required in a criminal prosecution is proof beyond reasonable doubt, whereas in departmental proceedings the charges need only be established on the basis of preponderance of probabilities. The learned counsel further submitted that the petitioner, being an officer of the Bank, was found transporting liquor allegedly purchased from Bengaluru for sale in the local market at Karur, thereby bringing disrepute to the image and reputation of the Bank. Therefore, the disciplinary authority rightly imposed the punishment of dismissal from service, which was rightly confirmed by the Appellate Authority. Hence, the writ petition is liable to be dismissed.

6. Heard the learned counsel appearing on either side and perused the materials available on record.

7. The precedents on the issue of interference with the punishment imposed has been oft considered by the Courts and it has been the consistent view of the Courts that it is always within the domain of the disciplinary authority to decide on the punishment to be imposed on the delinquent, which should be proportionate to the act of the delinquent. Only when the punishment is



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disproportionate and shocking to the conscience, should the courts interfere in the same in exercise of powers under Article 226. In ***Prem Nath Bali v. High Court of Delhi*** reported in 2015 (16) SCC 415, the Supreme Court held as under :-

*“20. It is a settled principle of law that once the charges levelled against the delinquent employee are proved, it is for the appointing authority to decide the punishment to be imposed on the delinquent employee in accordance with the Rules. The appointing authority, keeping in view the nature and gravity of the charges, the findings of the Inquiry Officer, the entire service record of the delinquent employee, and all other relevant factors, exercises its discretion and imposes such punishment as is provided under the Rules.*

*21. Once such discretion is exercised by the appointing authority in imposing the punishment (whether minor or major), the Courts are slow to interfere with the quantum of punishment and substitute it only in rare and appropriate cases. Such power is exercised only when the Court finds that the delinquent employee has established that the punishment inflicted is wholly unreasonable, arbitrary, or disproportionate to the gravity of the proved charges, thereby shocking the conscience of the Court, or that it is in contravention of the Rules. In such cases, the Court may remit the matter to the appointing authority for imposing any other punishment in accordance with the Rules instead of the punishment originally awarded, or, in an appropriate case, substitute the*

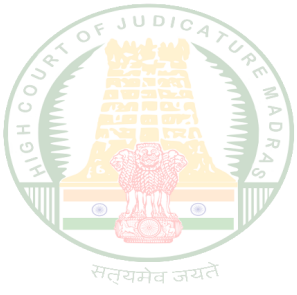


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**WEB COPY** *punishment itself instead of remitting the matter to the appointing authority.”* (Emphasis Supplied)

From the ratio laid down by the Apex Court above, it is crystal clear that the power to interfere with the punishment should be exercised only if the delinquent employee is able to prove that the punishment inflicted on him is wholly unreasonable, arbitrary and disproportionate to the gravity of the proved charges and, thereby, shocking the conscience of the Court or if it is in contravention of the Rules.

8. Therefore, considering the facts and circumstances of the case, particularly the acquittal of the petitioner in the criminal case and the fair submission made by the learned counsel for the petitioner that he is not claiming back wages for the period from the date of dismissal till the date of retirement, this Court is of the view that the ends of justice would be met by directing the respondents to treat the period of non-employment as qualifying service only for the limited purpose of settlement of pensionary and other terminal benefits, without any entitlement to back wages.



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9. Accordingly, the writ petition is partly allowed. The respondents 2 to 4 are directed to treat the period of non-employment as qualifying service only for the purpose of calculating and settling the petitioner's terminal and retirement benefits, without payment of back wages. The respondents shall settle all consequential terminal and retirement benefits, in accordance with law, within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

**08.07.2026**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes  
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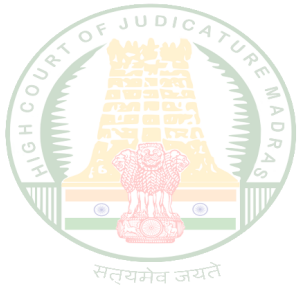
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M.DHANDAPANI,J.

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**ORDER MADE IN  
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**DATED : 08.07.2026**

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