



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.07.2015

CORAM:

WEB COPY

THE HONOURABLE Mr.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.11308 of 2015
and
M.P. (MD) Nos.1 and 2 of 2015

M.Kamatchi Nathan

... Petitioner

Vs.

1.The General Manager,
Indian Overseas Bank,
Central Office,
763, Anna Salai,
Chennai - 2.

2.The Chief Manager,
Regional Office,
Indian Overseas Bank,
Tirunelveli.

3.The Branch Manager,
Indian Overseas Bank,
Pettai Branch, Tirunelveli.

... Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 30.04.2015 issued by the 3rd respondent and quash the same and direct the respondents to reinstate the petitioner in the post of Jewel Appraiser in the 3rd respondent Bank.

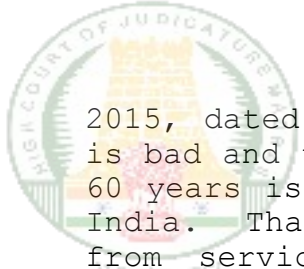
For Petitioner : Mr.V.M.Balamohan Thampi
For Respondents : Mr.N.Dilipkumar

ORDER

The Writ Petition has been filed seeking an order for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 30.04.2015 issued by the 3rd respondent, quash the same and consequently, direct the respondents to reinstate the petitioner in the post of Jewel Appraiser in the 3rd respondent / Bank.

2.Mr.N.Dilip Kumar, learned standing counsel takes notice for the respondents and by consent of both sides, the Writ petition itself is taken up for final disposal.

3.The learned counsel appearing on behalf of the petitioner submitted that the petitioner is working as a Jewel Appraiser. The case of the petitioner is that he is a workmen under the Industrial Disputes Act, 1947. The Hon'ble Apex Court has held that Jewel Appraisers are workmen in terms of the Industrial Disputes Act, 1947 and that the act of the respondent / Bank in issuing impugned circular ref.No.ADV/519/2014-



2015, dated 16.09.2014, fixing the maximum age of jewel appraisers as 60 is bad and that the first respondent's act in re-fixing the maximum age of 60 years is arbitrary and violative of Article 14 of the Constitution of India. That apart, he submitted that the petitioner has been terminated from service on 30.04.2015 by the impugned order dated 30.04.2015. Challenging the same, the petitioner is before this Court with the present Writ petition.

4. Even assuming for the sake of arguments that the petitioner is a workman, the retirement age for the regular bank employee is 60 years, the petitioner cannot plead that the circular dated 16.09.2014 fixing the maximum age as 60 is incorrect. If the petitioner is coming under the purview of workmen, he is bound by the award and settlement under the provisions of the Industrial Disputes Act, 1947. Unless and until the same is agitated before the appropriate forum under the provisions of the Industrial Disputes Act, I find the relief sought by the petitioner is not maintainable.

5. Accordingly, the Writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (T&P)

/True Copy/

Assistant Registrar.

To

1. The General Manager, Indian Overseas Bank, Central Office,
763, Anna Salai, Chennai - 2.

2. The Chief Manager, Regional Office, Indian Overseas Bank, Tirunelveli.

3. The Branch Manager, Indian Overseas Bank, Pettai Branch, Tirunelveli.

1CC to Mr. N. Dilip Kumar, Advocate, SR.No. 36187

1CC to Mr. V.M. Bala Mohan Thampi, Advocate, Sr.No. 36432

W.P. (MD) No. 11308 of 2015
06.07.2015

2P/6C

AM/AN.MP/AR-II/28.08.2015.