

THE HON'BLE SRI JUSTICE K.C. BHANU

AND

THE HON'BLE MRS JUSTICE ANIS

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**WRIT APPEAL No.448 OF 2015**

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**JUDGMENT:** (per Hon'ble Sri Justice K.C.Bhanu)

This Writ Appeal is filed aggrieved by the interim order of learned Single Judge of this Court, dated 24.03.2015, in Writ Petition No.7664 of 2015, which reads as follows:

“Notice before admission returnable in four weeks.

It is open to the second petitioner-Bank to reinstate the first respondent-workman, but however, if they fail to reinstate the first respondent, the provisions of Section 17-B of the Industrial Disputes Act shall be complied with, with effect from 01.04.2015 onwards. So far as the other portion of the award is concerned, its operation is suspended.”

2. Learned counsel for the appellants contended that as the employee failed to establish that he worked continuously for 240 days in a calendar year in the 2<sup>nd</sup> appellant Bank, the Tribunal did not give any finding on this aspect and hence, he prays to set aside the interim order.

3. Heard.

4. The contention raised by the learned counsel for appellants has to be decided in the main Writ Petition. The appellants shall reinstate respondent No.1 herein into service and if they fail to reinstate him into service, the provisions of Section 17-B of the Act have to be complied with. For claiming benefits under Section 17-B of the Act, respondent No.1 has to file an affidavit stating that he was not gainfully

employed during his dismissal period.

5. With the above direction, the Writ Appeal is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in the Writ Appeal shall stand closed.

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**JUSTICE K.C. BHANU**

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**JUSTICE ANIS**

**JUNE 09, 2015**

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**Dt:09.06.2015**

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