

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3.7.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE G.JAYACHANDRAN

W.A.No.649 of 2017
and
C.M.P.No.9020 of 2017

The Management of ICICI Bank,
ICICI Towers,
Ambattur Estate, Ambattur, Chennai. ... Appellant/Petitioner

Versus

1. The Presiding Officer,
Central Govt. Industrial Tribunal
cum Labour Court,
Sastri Bhavan, Chennai.

2. R.C.T.Vadivelan ... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 19.1.2017 passed in W.P.15080 of 2016 on the file of this court.

Prayer in WP.No.15080/16:Petition filed under article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari to call for the records connected with I.D.No.44 of 2015 and to quash the impugned Order Dated:31/03/2016 made in preliminary Point in I.O.No.44 of 2015 passed by the first respondent (i.e) The Presiding Officer, Central Government Industrial Tribunal Cum Labour Court, Chennai.

For appellant : Mr.Sanjay Mohan for
M/s.S.Ramasubramaniam

For R2 : Mr.V.Prakash, Senior Counsel for
Mr.K.Krishnamurthy

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant and Mr.V.Prakash, learned Senior Counsel representing the second respondent.

2. With consent of counsel appearing for both sides, we have taken up the matter for disposal.

3. With regard to unauthorised absence for 112 days by the workman- second respondent, the Management of ICICI Bank has initiated disciplinary proceedings against him and dismissed him from service. The workman has taken up the issue before the first respondent-Tribunal. The finding of the Tribunal, in favour of the workman, was challenged before the learned Single Judge. Now, the Management of ICICI Bank is before us challenging the order of the learned Single Judge allowing the writ petition in part, directing the first respondent-Tribunal to proceed further with regard to correctness of the allegation of unauthorised absence of the workman.

4. The learned counsel appearing for the appellant-Bank would submit that the learned Single Judge has failed to consider that the workman is not entitled to backwages.

5. On the other hand, the learned counsel appearing for the second respondent-workman, would contend that nearly for about five years he was out of service and with all difficulties he was leading his life and hence he is entitled to get backwages.

6. Be that as it may, the issue is relating to unauthorised absence and therefore, instead of leaving the parties to harp on the issue at the level of Labour Court and other forum and to save the valuable time of the bank and the workman, we are of the view that in modification of the order of the learned Single Judge, workman should be reinstated with continuity of service, but with 5% of backwages alone, considering the circumstances of the case. The order of reinstatement and payment of backwages would be complied with within one month from the date of receipt of a copy of this order. The writ appeal is ordered accordingly. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssk.

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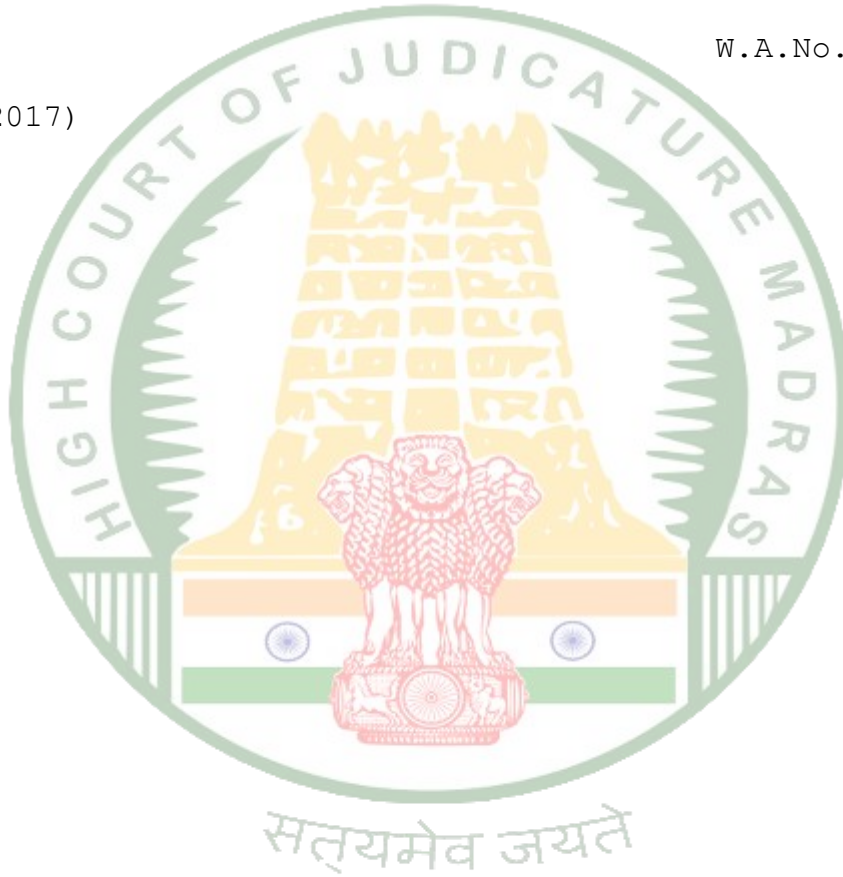
The Presiding Officer,
Central Govt. Industrial Tribunal
cum Labour Court,
Sastri Bhavan, Chennai.

+1cc to Mr.K.Krishnamoorthy, Advocate SR.No.46073

+1cc to Mr.S.Ramasubramaniam & Associates, Vide SR.No.46627

SKV(CO)
GN(03/08/2017)

W.A.No.649 of 2017



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