

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 2.11.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.625 of 2016
and
C.M.P.No.8191 of 2016

Sri.P.K.Govindaraju

Appellant/Writ Petitioner

Versus

1. The Chief Manager,
ICICI Bank Ltd.,
ICICI Bank Tower,
Arihant Insight, 24 II Phase,
Ambattur Industrial Estate,
Ambattur, Chennai 600 058.
2. The Branch Manager,
ICICI Bank Ltd.,
Panikulam Branch,
Ramanathapuram District.
3. The Presiding Officer,
The Central Government Industrial
Tribunal cum Labour Court,
Sasthiri Bavan, Nungambakkam,
Chennai 600 034.

Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 17.12.2015 passed in W.P.No.27997 of 2014 on the file of this court.

WP.No.27997 of 2014:Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order of the 3rd respondent in I.A. No.192 of 2014 in I.D. No.92 of 2013 dated 3.9.14 quash the same and directing the 2nd respondent to produce the original documents of Ex-A1 A3 A4 A6 and Ex-A7 before the 3rd respondent in I.D. No.92 of 2013 within the time that may be stipulated by this Honourable Court

For appellant : Ms.G.Devi
For RR1 and 2 : Mrs.T.Saranya for
Mr.S.Ramasubramaniam

JUDGMENT

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

Heard the learned counsel appearing for the parties.

2. It appears that claiming reinstatement, the appellant/writ petitioner had preferred I.D.No.92 of 2013 before the Central Government Industrial Tribunal as against the respondent bank and on completion of Trial, he moved an interlocutory application seeking a direction to the Bank to produce certain documents and since such application was dismissed, he had come up with the writ petition and having failed in the writ petition too, has filed the present writ appeal seeking indulgence of this court.

3. The stand of the learned counsel appearing for the Bank is that out of the seven documents sought for by the appellant/writ petitioner, certain documents are already filed before the Tribunal and certain documents do not exist with them and moreover, the appellant/writ petitioner was not a regular employee of the Bank, but, he was only a contractual employee.

4. If that be so, there cannot be any impediment on the part of the respondent Bank to produce any correspondence between the Bank and the Contractor to substantiate their case that he was only a contractual employee. Apart from that the respondent bank is directed to produce whatever documents available with them out of the documents sought for by the appellant/writ petitioner.

5. In view of the above, the writ appeal is allowed to the above extent by setting aside the order passed by the Central Government Industrial Tribunal as that of the learned Single Judge. It is for the bank to produce the whatever documents available with them with regard to employment of the appellant/writ petitioner, within one month from the date of receipt of a copy of this judgment, to enable proper adjudication of the industrial dispute pending before the Tribunal. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Presiding Officer,
The Central Government Industrial
Tribunal cum Labour Court,
Sasthiri Bavan, Nungambakkam,
Chennai 600 034.

+1 cc to M/s.V.Raghupathi Advocate sr 77828

+1 cc to M/s.Ramasubramanian Associates sr 77745

W.A.No.625 of 2016

gj (co)
aa06/12/2017



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