

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.4.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.897 of 2018
and
C.M.P.No.7835 of 2018

The Federal Bank Limited,
rep. by its Chief Manager,
Personnel and Industrial Relation
Department,
Federal Towers, Post Bag No.103
Aluva 683 101, Kerala.

... Appellant

Versus

1. The General Secretary,
Federal Bank Employees Union,
Central Office, Post Box No.10,
Aluva 683 101. Kerala.
2. The Presiding Officer,
Central Government Industrial Tribunal
cum Labour Court,
1 Floor, B-Wing, 26 Haddows Road,
Shastri Bhavan, Chennai 600 006.

.. Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 14.9.2017 passed in W.P.No.19854 of 2009 on the file of this court.

W.P.No.19854 of 2009:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Award passed by the 2nd respondent in I.D.No.2 of 2007 dt.20.4.09 quash the same by allowing the I.D. and direct the 1st respondent to reinstate the petitioner in service with all consequential benefits including arrears of pay and allowances flowing therefrom seniority and continuity of service.

For appellant : Mr.L.Chandrakumar for
Mr.Mohammed Fayaz Ali

For respondent-1 : Mr.Giridhar for
M/s.Giridhar & Sai

JUDGMENT

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

Heard the learned counsel appearing for the parties and perused the order passed by the learned Single Judge.

2. The writ appeal has been filed by the appellant-Bank challenging the order passed by the learned Single Judge in remitting the matter to the second respondent-Tribunal for fresh consideration, while setting aside the order passed by the Tribunal which concurred with the decision of the disciplinary authority in imposing the punishment of dismissal as against the delinquent employee.

3. It appears that the delinquent employee, on whose behalf the writ petitioner-Union has filed the writ petition is said to have involved in fraudulent withdrawal of amounts on various occasion to the tune of Rs.2,55,000/-. On perusal of the order passed by the learned Single Judge, we find that the learned Single Judge, having gone through the Award passed by the Tribunal found that the Award passed by the Tribunal is bereft of any proper reasons overlooking several aspects of the case and the Tribunal, by referring to one or two statements of the parties, concluded against the employee and therefore, remitted the matter to the Tribunal for fresh consideration after affording necessary opportunity to the parties to lead any additional evidence and pass an award within a period of six months by considering the oral and documentary evidence.

4. Though the learned Single Judge has set aside the award passed by the Tribunal, the matter was remitted to the Tribunal for considering the matter afresh after a detailed enquiry after affording opportunity to both the workman represented by the Union and also the management and therefore, the appellant cannot be in disadvantageous position and no prejudice would be caused to either party by the order passed by the learned Single Judge. Rather, to come to the just conclusion, such a decision is taken by the learned Single Judge by fixing the outer limit of six months to conclude the enquiry and also opportunity was given and also to have a say in the matter.

5. We do not find any reason to interfere with the decision taken by the learned Single Judge, except to extend the time for passing the award by the Tribunal afresh, by an outer limit of four months from the date of receipt of a copy of this judgment. Accordingly, the writ appeal is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Presiding Officer,
Central Government Industrial Tribunal
cum Labour Court,
1 Floor, B-Wing, 26 Haddows Road,
Shastri Bhavan, Chennai 600 006.

+1cc to Mr.Mohammed Fayaz Ali, Advocate, S.R.No.30899

+1cc to M/s.Giridhar & Sai, Advocate, S.R.No.30490

W.A.No.897 of 2018

PA (CO)
CS/21/06/18

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