

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2018

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No. 41852 of 2006
and M.P.Nos.1 of 2006 & 1 of 2007

The Chairman & Managing Director
Indian Overseas Bank,
Central Office, 763, Anna Salai,
Chennai-600 002.

...Petitioner

Versus

1.The Presiding Officer,
Central Government Industrial Tribunal,
cum-Labour Court,
Chennai.

2.Indian Overseas Bank Employees Union,
rep.by General Secretary,
25, Rangoon Street, Thousand Lights,
Chennai-600 002.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari calling for the records of the first respondent in I.D.No.412/2004 and quash the Award dated 28.03.2006.

For Petitioner : Mr. Anand Gopalan
For Respondents : Mr. K.V.Ananthakrishnan(for R2)

ORDER

The petitioner-Bank Management has filed this Writ Petition challenging the first respondent's award in I.D.No.412 of 2004 dated 28.03.2006.

2. The case of the petitioner is that the petitioner has recognized the All Indian Overseas Bank Employees Union- second respondent herein, with which the petitioner used to negotiate and also enter into settlements. The second respondent conducts periodical election of the office bearers and election for each branch. In the year 1985, the Bank framed guidelines that employees who have served the same Branch/Office for more than five years would be subject to transfer, besides others. But, in the year 1996, the petitioner-Bank Management gave a guideline that employees who have served the same Branch/Office for more than ten years should in the first instance be considered for transfer. This being so, when ten year transfer policy was introduced in 1996 in order to suit the Bank's convenience in dealing with the elected representatives of the recognized union, employees who held the post of an Office Bearer/Branch Secretary of the recognized union, they were not transferred from where they are working. But, the Bank management has transferred 19 employees in the year 1996, which gave rise to the second

respondent Union challenging the transfer of 19 employees who were claimed to be the office bearers of the 2nd respondent Union. The second respondent raised an Industrial Dispute in I.D.No.412 of 2004 before the first respondent. After elaborate discussion, the first respondent-Tribunal passed an award in favour of the second respondent and while dealing with the question of relief, the respondent Tribunal closed the award saying that after lapse of sometime, no relief can be granted in favour of the 2nd respondent union instead directed the Management to follow uniform transfer policy irrespective of affiliation to any union to which the office bearers belong. Aggrieved against the award passed by the first respondent, the petitioner -Management has filed this present Writ Petition.

3. Heard Mr.Anand Gopalan, learned counsel appearing for the petitioner and Mr.K.V.Ananthakrishnan, learned counsel appearing for the second respondent.

4. Learned counsel for the respondent submitted that subsequent to the transfer in the year 1996, several officer bearers were transferred from the second respondent Union in the year 2001 and in the year 2005 also.

M.DHANDAPANI, J.,

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5. In view of the submission made by the learned counsel for the respondent, nothing survives for adjudication in this Writ Petition. Accordingly, the Writ Petition stands closed. No costs. Consequently, connected miscellaneous petitions are also closed.

21.06.2018

Index : Yes/No

Internet : Yes/No

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To

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