

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.4767 of 2006

S.Govindarajan

... Petitioner

Vs.

1.The Deputy General Manager,
Canara Bank,
Circle Office,
563/1, Anna Salai,
Teynampet,
Chennai - 600 018.

2.The General Manager,
Canara Bank,
Circle Office,
563/1, Anna Salai,
Teynampet,
Chennai - 600 018.

3.The Presiding Officer,
Central Government Industrial Tribunal,
Cum Labour Court,
I Floor, 'B' Wing, 26, Haddows Road,
Shastri Bhavan, Chennai 600 006.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records in respect of order of the Central Government Industrial Tribunal cum Labour Court, Shastri Bhawan at Chennai in F.No.I.D.No.349/2004 dated 23.03.2005 and quash the same and direct the respondents 1 and 2 to reinstate the petitioner in to service with full back wages and service benefits.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.T.R.Sathiyamohan for R1 and R2

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus to call for the records in respect of the order of the Central Government Industrial Tribunal cum Labour Court, Shastri Bhawan at Chennai in F.No.I.D.No.349/2004 dated 23.03.2005 and to quash the same and

to direct the respondents 1 and 2 to reinstate the petitioner into service with full back wages and service benefits.

2.The case of the petitioner is that the petitioner joined as Office Assistant in the year 1980 with Canara Bank as a daily wage employee and was confirmed in that capacity permanently in the year 1994. Thereafter, he has worked in various branches. While so, on 08.11.2001, he was issued with a charge memo on the allegation that he wrote indecent letters to the lady co-employees outraging their modesty. The petitioner has submitted his detailed reply denying the allegations contained in the charge memo. However, the respondent conducted the enquiry and the Enquiry Officer has given a finding that the charges were proved. Thereafter, the petitioner was furnished with enquiry report and objection was sought for from the petitioner. The petitioner submitted his detailed objection on 20.04.2002. However, he was imposed with the punishment of compulsory retirement from service on 27.05.2002. As against the said punishment, the petitioner filed appeal before the Appellate Authority on 3.05.2002, however, the said appeal was rejected by the Appellate Authority. Hence, this petition.

3.The learned counsel appearing for the petitioner would submit that though the allegation was not established before the Disciplinary Authority, for extraneous reasons, the Disciplinary Authority imposed the punishment of compulsory retirement and the same was confirmed by the Appellate Authority, which is unsustainable. Hence the impugned order warrants interference. Accordingly, he prayed for allowing the writ petition.

4.Per contra, the learned counsel appearing for the respondents 1 and 2 would submit that two fact finding Authorities have discussed the matter elaborately on merits and there is no ground available to interfere with the punishment imposed by the Authorities. Accordingly, he prayed for dismissal of the writ petition.

5.I have considered the rival submissions made on either side.

6.In the present case, the petitioner had frequently sent letters to the lady co-employee, the contents of which would amount to harassing them. Hence, after elaborate consideration, the fact finding Authorities have arrived at the conclusion and imposed the punishment of compulsory retirement. Admittedly, when two fact finding Authorities have come to the same conclusion based on the facts, this Court cannot interfere with the findings of the fact finding Authorities in a mechanical manner under Article 226 of the Constitution of India, unless it is proved that it requires interference with the available materials or if the order of the Disciplinary Authority as well

as the Tribunal is perverse for want of evidence.

7.The learned counsel appearing for the respondents 1 and 2 would now contend that the amount due to the petitioner was adjusted with the dues already pending against the petitioner. However, in order to settle the entire issue, the respondent is ready to pay a sum of Rs.50,000/- as ex-gratia amount to the petitioner.

8.The learned counsel appearing for the petitioner accepts the said contention of the learned counsel appearing for the respondents 1 and 2.

9.In view of the above, this writ petition is disposed of with a direction to the respondent to pay a sum of Rs.50,000/- as ex-gratia amount to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.

10.The writ petition is accordingly disposed of. No costs.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

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To

1.The Deputy General Manager,
Canara Bank,
Circle Office,
563/1, Anna Salai,
Teynampet,
Chennai - 600 018.

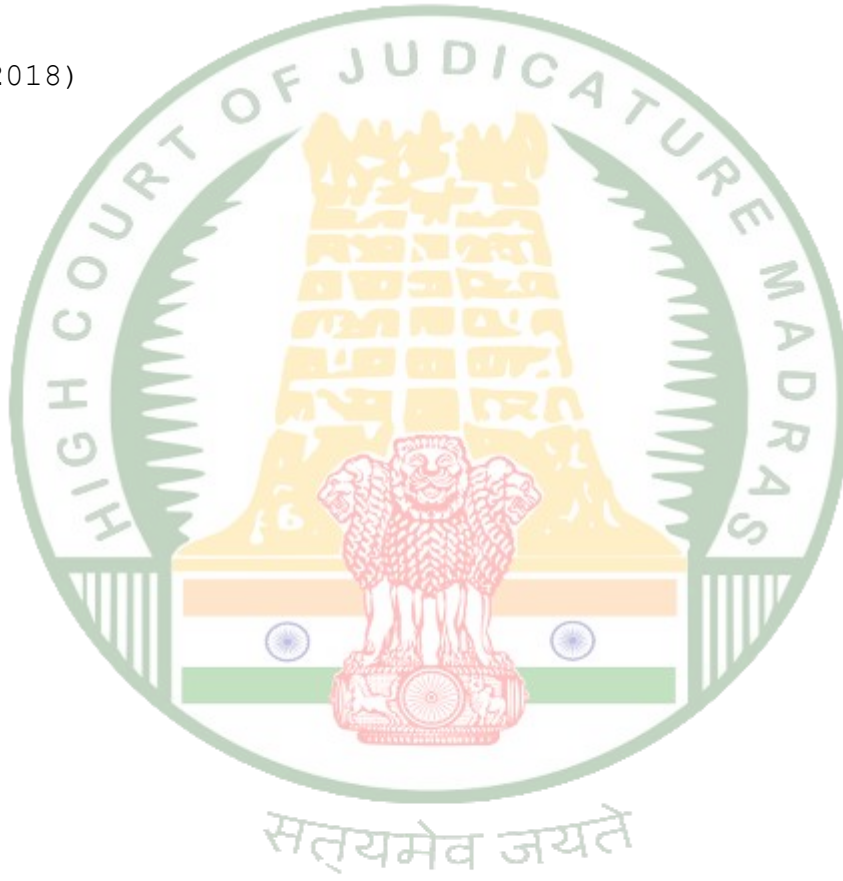
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+1 CC to Mr.T.R. Sathya Mohan, Advocate sr 38891.
+1 CC to Mr.V. Manisekaran, Advocate sr 38786

W.P.No.4767 of 2006

SKS (CO)
SP (05/07/2018)



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