

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19-11-2019

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.12016 of 2012

And

M.P.No.1 of 2012

The Chief General Manager,
State Bank of India,
Local Head Office,
Circle Top House,
Post Box No.737,
No.16, College Lane,
Aparna Complex,
Chennai-600 006

... Petitioner

-vs-

1.State Bank of India,
Ambedkar Trade Union,
Represented by its General Secretary,
No.635, Ranaiaimmar Street,
Periyar Nagar,
Chennai-600 039.

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

.. Respondents

Petition under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorari, calling for the
records pertaining to the Award in I.D.No.81 of 2009 dated
31.05.2011 on the file of the Central Government Industrial
Tribunal cum Labour Court and quash the same as illegal and
arbitrary.

For Petitioner : Mr.G.Senthil Kumar for
Mr.S.Sethuraman

For Respondent-1 : Mr.Balan Haridas

For Respondent-2 : Labour Court

ORDER

The Award dated 31.05.2011 passed by the second respondent-Tribunal in I.D.No.81 of 2009, is under challenge in the present writ petition.

2. The writ petitioner is the Chief General Manager, State Bank of India.

3. The writ petitioner states that the workman represented by the first respondent-Union was employed as Duffedar at Omalur Branch and on account of certain serious allegations, disciplinary proceedings were initiated and subsequently, after conducting domestic enquiry, he was dismissed from service. Thereafter, an order of termination was set aside and the workman concerned was reinstated into service and he reached the age of superannuation also.

4. The writ petitioner further states that the domestic enquiry was conducted and the second charge was proved and further, the disciplinary authority deferred with the findings of the Enquiry Officer held the charges as proved and imposed the punishment of discharge from the service. The superannuation benefits were also settled in favour of the workman after allowing him to retire from service.

5. The Tribunal considered the point that whether the action of the State Bank in imposing the punishment of bringing down to lower stage in the scale of pay by two stages for two years and deleting the part of punishment that the period of discharge i.e., from 01.11.2000 to 27.11.2007 be treated as not in service for all instances in respect of Mr.P.Palaniappan is justified.

6. The Tribunal arrived a conclusion that "therefore to remove the illegality attached to the punishment, the same requires to be modified by retaining only the punishment to bringing down to lower stage in the scale of pay for two stages for two years and deleting the part of punishment that the period of discharge i.e., from 01.11.2000 to 27.11.2007 be treated as not in service for all instances in respect of Mr.P.Palaniappan. So ordered. The petitioner is given a relief to that extent."

7. This Court is of an opinion that when the domestic enquiry was conducted, which was established as just and proper and the management followed the principles by affording opportunity to the workman concerned, there is no reason whatsoever to modify the order of punishment. This apart, the

charges proved are grave in nature and under these circumstances, the modification of punishment is not the valid reasoning and therefore, the Award of the Tribunal is perverse.

8. The Tribunal, while modifying the punishment of such nature, must record the reasons in writing, which must be candid and convincing. In the absence of any such reasons which is to be recorded in writing, the modification cannot be held to be in accordance with the principles of law.

9. Thus, the Award of the Tribunal is perverse and is not in consonance with the legal principles settled. Consequently, the Award of the Labour Court dated 31.05.2011 passed by the second respondent-Tribunal in I.D.No.81 of 2009 is quashed.

10. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

Svn

To

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

+lcc to Mr.G.Senthil Kumar, Advocate SR.96466

RK(CO)
CB(20/12/2019)

सत्यमेव जयते

W.P.No.12016 of 2012

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