

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S. VAIDYANATHAN

W.P.No.2504 of 2013
and M.P.Nos.2 and 3 of 2013

The Deputy General Manager
State Bank of India
9A, Rajaji Nagar, 3rd Street
N.K.Road, Tanjore-6
Petitioner

..

Vs

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

2.S.Sanjeevi
Respondents

..

Prayer:- This Writ Petition is filed, under Article 226 of Constitution of India, to issue a writ of Certiorari calling for the records of the 1st respondent in I.D.No.31 of 2010 and quash its award dated 12.07.2012.

For Petitioner	:	Mr.Anand Gopalan
		for M/s.T.S.Gopalan and Co.
For Respondents	:	
for R2	:	Mr.Balan Haridas

सत्यमेव जयते
ORDER

When the matter is taken up for hearing, Mr.Anand, learned counsel appearing for the Petitioner-State Bank of India, submits that the issue is covered by the Judgment of a Division Bench of this Court dated 23.07.2018 in the case of The General Manager (HR) State Bank of India, Circle Top House, No.16, College Road, Chennai-600 006 Vs. 1.The Presiding Officer, the Central Government Industrial Tribunal cum Labour Court, Chennai and 2. Sri.D.L.Sekar, wherein, this court referred to decisions of the Supreme Court in the case of (i) Bharat Sanchar Nigam Limited Vs. Man Singh and (ii) Bhavnagar Municipal Corporation Etc Vs. Jadeja Govueha Chhanubha and another (SLP(C).Nos.36800 and 36801 of 2012, and held that ends of justice could be met if the second respondent-workman could be suitably compensated instead of granting reinstatement.

2. The learned counsel for the Writ Petitioner further submits that more than Rupees Five Lakhs has already been paid to the workman by way of wages under Section 17-B of the Industrial Disputes Act, 1947 and that this court may exercise its discretion to grant the relief, but taking note of the fact that the amount has already been paid as wages under Section 17-B of the I.D.Act.

3. In view of the submission made by the parties and in the light of the judgment mentioned supra, this court is inclined to award a sum of Rs.3,00,000/- as compensation to the workman, taking note of the fact that the workman in this case has worked for nearly 17 years. It is relevant to note that in the cases mentioned by the parties, the workman therein worked less than four years with the Management.

4. In the result, the Writ Petition stands disposed of with a direction to the Writ Petitioner/Management to make payment of compensation of Rs.3,00,000/- [Rupees Three Lakhs only] to the 2nd respondent-workman directly, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected MPs are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

nvsri

To

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

+1cc to Mr.Balan Haridas , Advocate SR.No. 44849

+1cc to M/s.T.S.Gopalan and Co., Advocate SR.No. 44956

WP.2504 of 2013

A.SK(10/07/2019)