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W.A.(MD)No.1679 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **21.11.2019**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD)No.1679 of 2018

and

C.M.P (MD) .Nos.12312 of 2018

The Chairman-cum-Managing Director,
Corporation Bank,
PB No.88, Mangaldevi Temple Road,
Pandeewaram, Mangalore, Karnataka State.

... Appellant/2nd Respondent

Vs.

1.S.Parthasarathy (Minor)

rep., by his Guardian and Next friend

Vadamalai

..1st Respondent/Petitioner

2.The Presiding Officer,

Central Government Industrial Tribunal-cum-
Labour Court,

First Floor, B Wing, 26, Haddows Road,
Shastri Bhavan, Chennai-600 006.

... 2nd Respondent/1st Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent Act to set aside the order made in W.P(MD).No.8932 of 2016 dated 28.03.2018 on the file of this Court.

Prayer in WP(MD). 8932/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 1st respondent in connection with the impugned Award passed in I.D. 32/10 dated 27.11.2014 (received in F.No. I.D.32/2010 dated 13.03.2015) and quash the same as arbitrary and illegal and consequently direct the 2nd respondent Bank to grant all notional service and monetary benefits in lieu of compensation with interest within the time limit that may be stipulated by this Court.

For Appellant

: Mr.Pala Ramasamy

For Respondent

: Mr.G.Thalaimutharasu

for Mr.K.Gurunathan (for R1)



JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

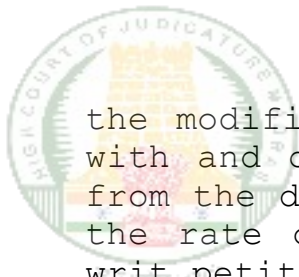
Heard Mr.Pala Ramasamy, learned counsel appearing for the appellant and Mr.G.Thalaimutharasu, learned counsel appearing for the first respondent.

2.This appeal by the Chairman-cum-Managing Director of Corporation Bank is directed against the order dated 28.03.2018 made in W.P(MD).No.8932 of 2016.

3.Though elaborate submissions were made by the learned counsel for the appellant on the correctness of the order passed by the learned Writ Court, ultimately, after this Court expressed its opinion, the learned counsel for the appellant submitted that the Court could show indulgence and modify that portion of the impugned order, wherein there is a direction to grant monetary benefits, whereas no monetary benefits is payable to the deceased employee and it is only terminal benefits and therefore, the order passed by the Writ Court should be modified. The second modification which is sought for by the appellant is, with regard to the interest payable to the first respondent, who is the legal heir of the deceased employee, which has been ordered to be paid at 8% per annum by the learned Writ Court. It is the submission of the learned counsel for the appellant that wherever there is any belated payment effected by the appellant bank in respect of their transaction, they pay only 6% interest as per the norms and therefore, the interest ordered to be paid may be suitably modified.

4.We have heard the learned counsel appearing for the first respondent/writ petitioner on the above submissions.

5.Considering the peculiar facts and circumstances of the case, we are of the view that the order and direction issued by the learned Writ Court required to be confirmed with the following two modifications. Instead of the direction to pay the monetary benefits to the first respondent/writ petitioner, we direct the appellant to pay all terminal benefits payable to the deceased employees, which shall be disbursed to the first respondent viz., S.Parthasarathy, who is stated to be a major as of now. This aspect be verified by the appellant bank and if he has become major for receiving terminal benefits payable to his Late.Father V.Swaminathan, be deposited in his bank account through ECS. The first respondent should be directed to open a bank account in the nearest branch of the appellant bank, where the first respondent is residing. The second modification is in paragraph No.12, where we modify the rate of interest as 6% per annum instead of 8% per annum. The direction issued by the learned Writ Court, subject to



the modifications made by us in this judgment, shall be complied with and disbursement be effected within a period of eight weeks from the date of receipt of a copy of this order. The interest at the rate of 6% per annum is payable from the date on which the writ petition was allowed i.e., 28.03.2018.

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6. Accordingly, this Writ Appeal is partly allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

Rmk

TO

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

+1 CC to M/s.G. THALAIMUTHARASU, Advocate (SR-100849[F] dated 25/11/2019)

+2 CC to M/s.PALA RAMASAMY, Advocate (SR-100875,101037[F] dated 25/11/2019)

W.A. (MD)No.1679 of 2018

21.11.2019

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