

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 20.01.2020
CORAM :
The Hon'ble Mr.A.P.SAHI, THE CHIEF JUSTICE
AND
The Hon'ble Mr.JUSTICE SUBRAMONIUM PRASAD
W.A.No.1486 of 2013
and M.P.No.1 of 2013

P.Ganesan

.. Appellant/Petitioner

-vs-

- 1.The Divisional Manager,
UCO Bank, Chennai.
- 2.The Presiding Officer,
Central Government Industrial Tribunal,
-cum-Labour Court, Chennai. .. Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 28.03.2011 passed in W.P.No.44176 of 2002 on the file of this Court.

Prayer in W.P.No.44176 of 2002: Writ of Certiorarified Mandamus calling for the records in respect of the Award in ID.No.654/2001, dated 29.07.2012, passed by the second Respondent and quash the same and direct the 1st Respondent to repay the recovered amount of the petitioner.

For Appellant : Mr.R.Raghavan

JUDGMENT

(Delivered by The Hon'ble Chief Justice)

The appeal questions the correctness of the impugned judgment dated 28.03.2011 on the ground that the implementation of the punishment order and the recovery sought to be made from the appellant cannot be realised, inasmuch as the appellant had not been given any opportunity prior to the process of recovery having been initiated against him.

2.The challenge raised before the learned Single Judge failed by recording a finding that the recovery proceedings are only consequential, whereas the punishment order of withholding increments had already been passed earlier.

3.We have considered the submissions raised and we find that so long as the order of punishment stands, the issue of recovery is only consequential. The learned Single Judge was, therefore, justified in coming to the said conclusion and we do not find any such error much less a legal error to interfere with the impugned judgment.

The Writ Appeal, therefore, is consigned to records. There shall be no order as to costs. Consequently, M.P.No.1 of 2013 is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy//

Sub Assistant Registrar

sra

To

1. The Presiding Officer,
Central Government Industrial Tribunal,
-cum-Labour Court,
Chennai.
2. The Divisional Manager,
UCO Bank, Chennai.

W.A.No.1486 of 2013

CA(CO)
CSR: 11/02/2020

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