



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH

W.P.No.24467 of 2006

and

M.P.No.1 of 2006

Indian Bank,  
Rep. by its Assistant General Manager,  
Head Office, Rajaji Salai,  
Chennai - 600 001.

...Petitioner

Vs

1. The Presiding Officer,  
Central Government Industrial Tribunal,  
Shastri Bhavan, Haddows Road,  
Nungambakkam,  
Chennai - 600 006.

2. Indian Bank Staff Union,  
Rep. by its General Secretary,  
157, Lake View Road,  
West Mambalam,  
Chennai - 600 033.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari to call for the records pertaining to I.D.No.414/2001 on the files of the 1<sup>st</sup> respondent including the Award dated 11.10.2001 and quash the same.

For Petitioner : Ms.Rita Chandrasekar

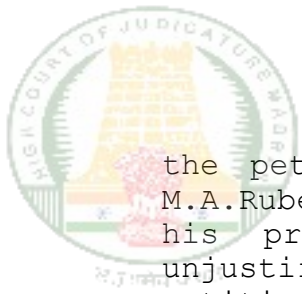
For R1 : Tribunal

For R2 : No Appearance

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The petitioner herein is aggrieved against the Award dated 11.10.2001 passed by the first respondent herein, whereby,



the petitioner's action of refusing to refix the pay of one M.A.Rubesan, in comparison with his junior S.R.Ramachandran, on his promotion as a Clerk, was held to be illegal and unjustified. Consequently, the Tribunal had directed the petitioner to fit the workman, namely M.A.Rubesan, at the stage of 14 and 15 in view of the Circular dated 11.01.1986 on promotion as a Clerk with effect from 10.12.1982, together with the consequential relief.

3. Ms.Rita Chandrasekar, learned counsel for the petitioner submitted that pending the writ petition, the concerned individual, namely M.A.Rubesan, for whom the second respondent represents, had retired from his services on 31.03.2013 and had also received all the benefits. It is the submission of the learned counsel for the petitioner that in view of the individual, namely M.A.Rubesan, having accepted the retirement benefits as a full and final settlement, he may not be aggrieved against the non-refixation of the pay, as ordered by the Tribunal in the impugned proceedings.

4. There is no representation on behalf of the second respondent Union today and even in most of the last hearings, they have been consistently absent.

5. In view of the submission made by the learned counsel for the petitioner, no useful purpose would be served in keeping the writ petition pending, particularly when the second respondent has not been appearing before this Court.

6. Accordingly, the submissions of Ms.Rita Chandrasekar, counsel representing the petitioner-Bank is hereby recorded and the writ petition stands closed. However, if the second respondent is of the view that their member, Mr.M.A.Rubesan, is still entitled for any monetary claim, pursuant to the impugned proceedings of the Tribunal, liberty is hereby granted to the second respondent Union to file an application, seeking for reopening of the writ petition, atleast within a period of 30 days from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VIII)

// True Copy//

Sub Assistant Registrar

hvk



To

The Presiding Officer,  
Central Government Industrial Tribunal,  
Shastri Bhavan, Haddows Road,  
Nungambakkam,  
Chennai - 600 006.

+lcc to M/s.Aiyar and Dolia, Advocates, S.R.No.38194

W.P.No.24467 of 2006  
and  
M.P.No.1 of 2006

SS (CO)  
SU(25/08/2021)