



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.35540 of 2004
and MP.No.42809 of 2004

Indian Bank Employees,
Association Rep.by its
General Secretary,
Old No.197, New No.250,
Linghi Chetty Street,
Chennai 600 001.

... Petitioner

-vs-

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

2. Indian Bank
Rep.by its General Manager,
Rajaji Salai,
Chennai 600 001.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Award dated 09.02.2001 passed by the 1st respondent in I.D.No.37/2000 quash the same and consequently direct the second respondent to reinstate the petitioner with continuity of service, back wages and other attendant benefits.

For Petitioner : Mr.V.Ajay Ghose

For Respondents : No appearance for R2

O R D E R

This writ petition has been filed, seeking to call for the records relating to the award dated 09.02.2001 passed by the 1st respondent in I.D.No.37 of 2000 and quash the same and consequently direct the second respondent to reinstate the petitioner with continuity of service, backwages and other attendant benefits, Award costs.



2. Admittedly, the petitioner was a Jewel Appraiser. The Apex Court in the case of Indian Overseas Bank Vs Workmen reported in (2006) 3 SCC 729 categorically held that the Jewel Appraisers are not Workmen, even though in earlier case of M/s.Puri Urban Cooperative Bank Vs Madhusudan Sahu and another reported in 1992 (3) SCC 323 had held that the Jewel Appraiser are Workmen.

3. The Petitioner / Bank Association raised an Industrial Dispute to espouse the cause of a member of the Union, namely, Ethiraj, who was denied employment on account of the reason that a jewel loan was sanctioned to a party based on some jewels assessed by the said Ethiraj, which were later found to be spurious. The Tribunal did not go into the question of whether the Jewel Appraiser can be termed as a Workman and he can be proceeded with under the I.D.Act.

4. The Court / Tribunal mainly relied on Ex.M4 to come to an adverse finding against the Employee herein, as the Employee himself confessed vide Ex.M.4 duly signed by him that he had certified spurious jewels as genuine one, which is purely a mistake on his part. However, the confession statement has been disputed by the Union on behalf of the Employee.

5. On reading of the award of the Tribunal / Court, this Court is of the view that there is no perversity in the award of the Labour Court, which had gone into the disputed question of facts and rendered a categorical finding by means of evidence both documentary and oral. No prima facie case has been made out to reverse the finding of the Labour Court to grant the relief sought for by the Petitioner / Union.

6. In the result, this Writ Petition is dismissed. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dpq
To:

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



2. The General Manager,
Indian Bank, Rajaji Salai,
Chennai 600 001.

WEB COPY

W.P.No.35540 of 2004
and MP.No.42809 of 2004

sr[co]
srg 25/10/2021