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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.22682 of 2005
and
W.M.P.No.24705 of 2005

Tamin Nadu Grama Bank,
Virudhunagar.
(Cause title amended vide order
dated 24.04.2019, made in Memo
dated 22.04.2019 in W.P.No.22682
of 2005).

...Petitioner

-Vs-

1.The Presiding Officer,
Central Government Industrial
Tribunal -cum- Labour Court,
Shastri Bhawan, Haddows Road,
Chennai - 600 008.

2.Pandyan Grama Bank Employees
Association,
Rep. by its General Secretary,
No.6, Pitchai Street,
Virudhunagar - 626 001.

...Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India, praying to issue a Writ of Certiorari to
call for the records from the first respondent relating to the
award dated 16.12.2004 in I.D.No.100 of 2003 and quash the same.

For Petitioner : Mr.K.Srinivasamurthy
For R1 : Labour Court
For R2 : Mrs.D.Geetha

ORDER

The limited scope in the present writ petition is with
regard to the entitlement of the employees of the petitioner-
Bank for one advance computer increment.

2. The issue is no more res-integra. The Karnataka High
Court, in the case of All India Regional Rural Bank Employees



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Association and others Vs. Union of India, Department of Economic Affairs (Banking Division) and others, had an occasion to hold that the employees of the Grama Banks are entitled for the benefit of such computer increment, in the following manner:

"Insofar as the claim for computer increment is concerned, the objection by the respondents to the same on the ground that in terms of a Circular of the year 1993, since the NABARD was of the view that a computer programme in RRBs is planned for 50% of its branches and that infrastructure available in all the branches is poor and inadequate cannot be a ground for denial of the same. The respondent-bank has not indicated the reason why it has not extended this increment even after the admitted circumstance that there is full computerization of the bank since May 2007 and that it has extended the benefit of computer allowance while denying the computer increment from the date. Therefore, the petitioners have made out a case for receiving the benefit of computer increment which was provided to the employees of the sponsor banks".

3. The aforesaid decision has become final and was taken note of in a subsequent judgment of the Hon'ble Supreme Court of India in the case of Union of India Vs. Gramin Bank Pensioners Samiti & others passed in Special Leave Appeal No.39288 of 2012, Writ Petition No.210 of 2013 and T.C.No. 38 of 2015 and had directed the Union of India to implement their judgement in respect of all the Regional Rural Banks within a stipulated time. The relevant portion of the order reads as follows:

"SLP(C) No.39288/2012

Applications for impleadment are allowed.

The Union of India is before this Court, aggrieved by the judgment of the Division Bench of the High Court of Rajasthan dated 23.08.2012 passed in D.B.Civil Special Appeal (W) No.2021/2011. The Division Bench has declined to interfere with the judgment of the learned single judge dated 15.09.2011.

Be that as it may, it is seen from the judgments of the High Court of both Single and Division Benches that the same is passed following the judgment of the High Court of



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Karnataka dated 22.03.2011 and the appeal filed by the Union of India against the judgment of the learned Single Judge dated 22.03.2011 before the Division Bench has been dismissed. It is pointed out by the learned senior counsel for the respondent(s) that the dismissal was set aside and the same was restored on 07.09.2012 and thereafter the same was dismissed again for non-prosecution on 13.01.2014. Thus, the judgment of the High Court of Karnataka has become final as against the appellant/Union of India. The High Court of Judicature for Rajasthan at Jodhpur has only followed that judgment of the High Court of Karnataka, which has otherwise become final.

In that view of the matter, SLP(C) No.39288/2012 is dismissed.

Pending application(s), if any, shall stand disposed of.

W.P.(C) No. 210/2013 & T.C.(C) No.38/2015

In view of the order passed in SLP(C) No.39822/2012, no separate orders are required to be passed in W.P.(C) No.210/2013 and T.C.(C) No.38/2015. They are, accordingly, disposed of with directions to the Union of India to implement the judgment in respect of all the regional rural banks expeditiously and at any rate within three months from the date of production of a copy of this judgment."

4. The present case also arises from a Grama Bank and by applying the ratio held by the Hon'ble Supreme Court, the employees of the petitioner Bank would also be entitled for such computer increment, from the date on which the petitioner-bank was fully computerised.

5. The award impugned in the present writ petition was prior to the orders of the Karnataka High Court as well as the Hon'ble Supreme Court as referred above and apparently, the Industrial Tribunal could not have taken note of these orders. Even otherwise, the award speaks of the entitlement of the employees of the petitioner-bank, which has now been clarified that such employees would be entitled only from the date on which the bank is fully computerised.

6. With these observations, the impugned award, insofar as it relates to fixing the entitlement of computer increment to



the employees of the petitioner-bank, is modified to the effect that such employees would be entitled for the computer increment, "from the date on which the bank was fully computerised." The writ petition stands disposed of, accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

hvk/ata

To

1.The Presiding Officer,
Central Government Industrial
Tribunal-cum-Labour Court,
Shastri Bhawan, Haddows Road,
Chennai - 600 008.

+1cc to Mr.N.G.R.Prasad, Advocate, S.R.No.54554

+1cc to M/s.D.Geetha, Advocate, S.R.No.54970

W.P.No.22682 of 2005
and
W.M.P.No.24705 of 2005

SMI (CO)
CB(12/11/2021)