



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
AND
THE HON'BLE MRS.JUSTICE N.MALA

W.A.No.1135 of 2022

Tamil Nadu Grama Bank,
Head Office, No.6, Yercaud Road,
Hasthampatti, Salem-638 007.

.. Appellant

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: Appeal under Clause 15 of the Letters Patent against the order dated 25.10.2021 passed in W.P.No.22682 of 2005.

Prayer in W.P.No.22682 of 2005: 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 1st respondent relating to the award dated 16.12.2004 in I.D.No.100/2003 and quash the same.

For the Appellant : Mr.K.Srinivasa Murthy



JUDGMENT

(Delivered by the Hon'ble Chief Justice)

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2. It is a case where a dispute was raised by Pandyan Grama Bank Employees' Association on the denial of one advance increment to its members. The Labour Court adjudicated the dispute and allowed the benefit of computer increment in favour of the employees by referring to the judgments of the Apex Court as well as the Karnataka High Court. It was assailed by the writ appellant mainly on the ground that insofar as the judgment of the Apex Court in the case of Union of India v. Gramin Bank Pensioners Samiti and others in Special Leave Appeal No.39288 of 2012 with W.P.(C) No.210 of 2013 and T.C.(C) No.38 of 2015 is concerned, it was in regard to the denial of pensionary benefits and not the issue of advancing increment and, therefore, the judgment of the Apex Court in Special Leave Appeal No.39288 of 2012 was not applicable. Insofar as the judgment of the Karnataka High Court in the case of All India Regional Rural Bank Employees Association and others v. Union of India, Department of Economic Affairs (Banking Division) and others is concerned, it was not taken note of by the Apex Court. Rather, the writ petition was allowed by a Single Bench with a direction to grant one advance increment and the same was challenged by maintaining an appeal before a Division Bench of Karnataka High Court, however the same was dismissed for non-prosecution. In view of the above, the judgments of the Apex Court as well as the Karnataka High Court could not have been referred to by the Labour Court.

3. Further case of the writ appellant is that the direction of the learned Single Judge to allow the benefit of advance increment from the date on which the bank was fully computerized is going contrary to the Circular issued by the NABARD dated 30.01.2003. The NABARD has denied the benefit of increment while dealing with the issue at Item No.5 of the said Circular and without a challenge, the benefit of increment could not have been awarded to the employees. It is more so when the Apex Court had left it open for the employees to challenge the Circular of the NABARD. But ignoring the aforesaid, the writ petition was disposed of with a direction to the appellant to



provide advance increment to the employees from the date the bank was fully computerized. In view of the above, a prayer is made to set aside the Award of the Labour Court as well as the judgment of the learned Single Judge.

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4. We have considered the submissions made by learned counsel for the appellant and also perused the materials available on record.

5. It would be relevant first to refer the Circular of the Government of India dated 22.02.1991 where a direction was given to the Rural Banks apart from other Nationalized Banks to extend all the benefits at par. The matter was taken up by the National Bank for Agriculture and Rural Development [for short, "NABARD"] and a circular was issued on 30.01.2003 and in Item No.5, the issue was dealt with by the NABARD and is quoted hereunder:

5	Computer allowance to award staff	This is not covered in items/benefits listed in annexure-VI to Government of India circular dated 22.2.91 or in annexure-III to NABARD's circular dated 20.3.93 quoted against Sl.No.1. Computerisation programme in RRBs is planned for 50% of branches in 5 years and the infrastructure available in most of the branches of RRBs is poor/inadequate. In the present scenario the computerisation is being perceived as a facilitation measure. Hence, the award staff in RRBs are not eligible for computer allowance for the present.
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6. The decision of the NABARD at the relevant time i.e. in January, 2003, makes a reference that RRBs are not fully computerized, rather, it is in the process of computerization and thus the staff in RRBs are not entitled for computer allowance for the present. The word "present" is significant and refers to the situation obtaining in the year 2003. When



banks were not fully computerized, then the decision not to allow computer allowance to staff may be justified. But once banks are fully computerized, there was no justification in not permitting the benefit of computer allowance to the employees. Therefore, taking note of the aforesaid, the learned Single Judge was cautious in dealing with the issue and after deliberation, has modified the Award to allow the benefit of computer allowance (one computer increment) from the date on which the bank was fully computerized. It is also a fact that one RRB before the Karnataka High Court is extending the benefit to its employees, but it is not known why the RRB in the present case is denying the similar benefit to its employees when they are governed by one Circular.

7. Heavy reliance has been made on the NABARD's Circular without clarifying as to why the benefit of computer allowance should not be made admissible when the bank was fully computerized. The Circular of the NABARD quoted above was to be taken note of in the scenario that existed then and therefore only at the end it was clarified that at "present" it would not be admissible.

8. At this stage, learned counsel for the appellant submitted that the employees association should have impleaded the NABARD as party to seek the benefit while the claim was made before the Labour Court. The argument has been raised without clarifying the fact as to why the appellant has given effect to the Government of India's Circular dated 22.02.1991 on its own and dragged the association to the litigation unnecessarily and now to take a plea as to why NABARD was not impleaded as party. It is more so from the date on which the bank was fully computerized. The aforesaid shows nothing but the effort of the appellant-RRB to drag its employees to unnecessary litigation and the instant appeal is for no reason. The learned Single Judge has even referred to the order passed by the Apex Court, which is extracted hereunder:

"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



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that the same is passed following the judgment of the High Court of 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."

9. It makes a reference of the judgment of the Karnataka High Court and the appeal filed by the Union of India against the said judgment dated 22.03.2011 which was dismissed by the Division Bench. Though the appeal was restored by an order dated 07.09.2012, the same was dismissed again for non-prosecution on 13.01.2014 and thereby the judgment of the Karnataka High Court has become final.

10. The Regional Rural Banks are governed by the Circular issued by the Union of India which is applicable and different RRBs have to apply it without discrimination. The judgment of the Apex Court quoted makes a reference of the judgment of the Rajasthan High Court where it has followed the the judgment of the Karnataka High Court, which has become final. The Apex Court has taken note of the issue in reference to the judgment of the Karnataka High Court and the Rajasthan High Court, seat



at Jodhpur, with a direction that no separate orders are required to be passed and also to implement the judgment in respect of all the RRBs expeditiously. The appellant, going against the direction of the Apex Court, has filed the present appeal.

11. In view of the above, we find that there is no merit in the appeal. The effort of the appellant bank is to unnecessarily drag its employees to litigation. No reason is forthcoming from the side of the appellant in filing the appeal when the issue was touched upon by the Apex Court with required direction in reference to not only the judgment of the Karnataka High Court, but also the judgment of the Rajasthan High Court.

12. The act of the appellant bank is otherwise contemptuous and casual filing of appeal by it is to be deprecated. Accordingly, finding no merit in the appeal and also no error in the judgment of the learned Single Judge modifying the Award making the computer allowance admissible from the date of computerization of the bank fully, the same is dismissed with costs assessed at Rs.10,000/- (Rupees Ten Thousand) to be deposited by the appellant bank with the Tamil Nadu State Legal Services Authority within fifteen days from today. The Registrar (Judicial) would ensure the compliance of the said direction and if it is not made, the disposed of writ petition may be listed before the Court for appropriate order for compliance. The costs aforesaid can be recovered from the officer who had advised to file the present appeal. Consequently, C.M.P.No.7006 of 2022 is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

bbr

To:

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



Copy to

1. The Secretary,
Tamil Nadu State Legal Services Authority,
High Court, Madras.
2. Tamil Nadu Grama Bank,
Head Office, No.6, Yercaud Road,
Hasthampatti, Salem-638 007.
3. The Registrar(Judicial),
High Court, Madras.

+1cc to M/s.NGR.Prasad, Advocate, S.R.No.341430

W.A.No.1135 of 2022

MG[co]
NSK/16/06/2022