



WEB COPY



Writ Petition No.32167 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.32167 of 2018

S.Srinivasan

... Petitioner

Vs.

1.The Chief Manager,
Central Bank of India,
Zonal Office,
No.48, 49 Montieth Road,
Egmore, Chennai 600 008.

2.Chief Manager,
Central Bank of India,
Regional Office,
No.16/15, Ventry Hall Road,
Coimbatore 641 001.

3.The Branch Manager,
Central Bank of India,
P.S.K. Tower, Ground Floor,
Salem Main Road, Namakkal, 637 001.

4.Sr.Regional Manager,
Central Bank of India,
14/15, Variety Hall Road,
Coimbatore 641 001.

5.Appellate Authority/ Dy.Regional Manager,
Central Bank of India,
14/15, Variety Hall Road,
Coimbatore 641 001.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for



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the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order of the 4th respondent dated 18.10.2016 made in RO:COIM:hrd:dad:2016-17/155 and the order of the 5th respondent dated 17.02.2017 made in RO/COIM/HRD/DRD/2016-17-186 and quash the same and consequently direct the respondents to reinstate the petitioner into service with all monetary and attendant service benefits.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.Anand Gopalan
For M/s.T.S.Gopalan & Co.

ORDER

The prayer sought for herein is Certiorarified Mandamus to call for the records pertaining to the order of the 4th respondent dated 18.10.2016 made in RO:COIM:hrd:dad:2016-17/155 and the order of the 5th respondent dated 17.02.2017 made in RO/COIM/HRD/DRD/2016-17-186 and quash the same and consequently direct the respondents to reinstate the petitioner into service with all monetary and attendant service benefits.

2. The petitioner was an employee / workman within the meaning of the Industrial Disputes Act, 1947 under the respondent Bank, against whom disciplinary proceedings was initiated for the charge of unauthorised absence for about 150 days. The said disciplinary proceedings ended in the punishment of compulsory retirement against the petitioner, which was inflicted by the disciplinary authority by order dated 18.10.2016, as against which when the



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petitioner preferred an appeal before the appellate authority, who also after having considered the same, confirmed the punishment by rejecting the appeal by order dated 17.02.2017. Challenging these orders, the present writ petition has been filed.

3. The preliminary objection raised by the learned Standing Counsel appearing for the Bank is that the petitioner can very well be construed as Workman within the meaning of the provisions of the Industrial Disputes Act and therefore, if he is aggrieved of the impugned orders, he can very well approach the Labour Court and the writ petition is not maintainable before this Court.

4. In support of this preliminary objection, the learned counsel for the petitioner would submit that, since the respondent is a Bank, the petitioner can invoke the said provisions of the Industrial Disputes Act, 1947 or the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India being a service dispute between the petitioner and the employer. Therefore, the extraordinary jurisdiction of this Court was invoked and this writ petition was filed. Hence, at this length of time if the petitioner is driven to go before the Industrial Disputes Act, it may be difficult for the petitioner for the petitioner to approach the Labour Court.



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5. I have considered the submissions made by the learned Standing Counsel for the respondent Bank on the preliminary objection as to the maintainability of the writ petition in view of the alternative efficacious and statutory remedy available to the petitioner, which in fact is a very effective remedy under the provisions of the Industrial Disputes Act, 1947.

6. As has been pointed out by the learned Standing Counsel for the respondent Bank, the petitioner being a Workman can very well agitate the issue of punishment of compulsory retirement inflicted against the petitioner before the Labour Court by raising an industrial dispute within the meaning of the provisions of the Industrial Disputes Act, 1947. Therefore, this Court is not inclined to entertain this writ petition and it is liable to be rejected, of course with a liberty to the petitioner to approach the Labour Court.

7. In the result, the writ petition is dismissed with a liberty to the petitioner to approach the Labour Court by raising an industrial dispute against the orders which are impugned herein passed by the respondent herein. If such industrial dispute is raised by the petitioner within a period of 30 days from the date of receipt of a copy of this order, the same shall be entertained and it shall be decided on merits and in accordance with the provisions of the Industrial Disputes Act, 1947 at the preferably within a period of six months from the date



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of entertainment of the appeal, for which the petitioner as well as the respondent Bank shall give their fullest cooperation to the Labour Court.

8. With the above observations, this writ petition is dismissed. No costs.

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Index : Yes/No
Internet : Yes/No
KST
To

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R. SURESH KUMAR, J.

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