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W.A.Nos.946 and 947 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2023

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THE HON'BLE MRS. JUSTICE J.NISHA BANU

AND

THE HON'BLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

**W.A.Nos.946 and 947 of 2015
& M.P.No.1 of 2015 in W.A.No.946 of 2015**

W.A.No.946 of 2015:-

1.The General Manager (HRM)
Indian Bank Corporate Office
No.254 – 260, Avvai Shanmugam Salai
Royapettah
Chennai – 600 014.

2.The Chief Manager
Indian Bank – Main Branch
No.9, Chathiram Street
Dindigul – 624 001.

... Appellants

Vs.

T.Senthil Murugan
S/o Thiagarajan

... Respondent

W.A.No.947 of 2015:-

1.The General Manager (HRM)
Indian Bank Corporate Office
No.254 – 260, Avvai Shanmugam Salai
Royapettah
Chennai – 600 014.



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2.The Branch Manager

Indian Bank

Reddiarpalayam Branch

43, Ground Floor

Pondi-Villianur Main Road

Reddiarpalayam

Puducherry – 605 010.

... Appellants

Vs.

M.Sivaprakasam

S/o Manickam

... Respondent

Common Prayer: Writ Appeals filed under Clause 15 of Letters Patent against the orders dated 10.04.2015 made in W.P.Nos.5125 and 5175 of 2015.

In W.A.No.946 of 2015:-

For Appellants : Mr.Kalyana Raman
for M/s Aiyar & Dolia

For Respondent : No appearance

In W.A.No.947 of 2015:-

For Appellants : Mr.Kalyana Raman
for M/s Aiyar & Dolia

For Respondent : Mrs.M.Sreela

COMMON JUDGMENT

The Writ Appeals are directed against the separate orders passed by the learned Single Judge in W.P.Nos.5125 and 5175 of 2015, filed by the respondents herein.



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2.The factual matrix on which the present Writ Appeals arise is that the respondents allege that they were engaged as Jewel Appraiser on regular basis. But however, they were dis-engaged by the appellant – Bank.

3.The case of the appellants is that the respondents were not engaged on regular basis as an employee, but on job work basis and therefore, their claim is not maintainable.

4.In the meanwhile, one of the respondent, viz., Sivaprakasam, raised an Industrial Dispute in I.D.No.34 of 2015 before the Central Industrial Tribunal, Chennai. In that view of the matter, the observation of the learned Single Judge, to conduct an enquiry and pass orders, may not arise at all. In the instant case, there is no disciplinary action or complaint involved and the matter consequently falls on the subject of non – employment or whether it is a contract for job work.

5.The learned counsel appearing for the writ petitioner in W.P.No.5175 of 2015 would submit that as a matter of fact, it was stigmatic termination and only complaining thereof, the industrial dispute is raised by the said workman.



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6.Thus, we intend to dispose of the Writ Appeals on the following terms,

(i)Since there is no disciplinary proceedings pending against the respondents, the order of the learned Single Judge are set aside.

(ii)The Writ Petitioner – Sivaprakasam is entitled to pursue the I.D.No.34 of 2015 pending before the Central Industrial Tribunal, Chennai.

7.As far as the other employee – Senthil Murugan, the learned counsel for the appellants would submit that depending on the out come of the I.D.No.34 of 2015, his representation will be considered and orders will be passed.

8.The Writ Appeals are disposed of on the above terms. No costs. Consequently connected miscellaneous petition is closed.

(J.N.B,J.,)

(D.B.C,

J.,)

Index : Yes / No

14.06.2023

Internet : Yes / No

Speaking order/Non-speaking order

Neutral citation : Yes / No

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