



W.P. No.17520 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.17520 of 2012

K.Ravichandran

... Petitioner

Vs.

- 1.Canara Bank,
Rep. By its Deputy General Manager,
HRM Section, Circle Office, City Towers, No.1.,
Royal Road, Cantonment, Trichy-620 001.
- 2.Central Government Industrial Tribunal cum Labour Court,
Rep. By its Presiding Officer,
Shasthri Bhavan, Haddows Road, Chennai-600 006.
- 3.Government of India,
Ministry of Labour,
Rep. By its Secretary to Government,
Sharanshakthi Bhavan, Rafi Marg, New Delhi-1.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records from the second respondent Central Government Industrial Tribunal cum Labour Court, relating to its Award in I.D.NO.1 of 2011 dated 27.10.2011 (sent to the petitioner vide covering letter dated 23.12.2011), quash the same in so far as it declines back wages and consequently direct the



W.P. No.17520 of 2012

first respondent Bank to pay the petitioner the back wages from 04.07.2008 till the date of reinstatement i.e. 06.02.2012 with continuity of service and consequential benefits.

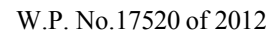
For Petitioner : Mr.V.Sivaraman for
Ms.R.Sandhya

For Respondents : Mr.Goutham for R1

ORDER

This writ petition has been filed seeking writ of certiorarified mandamus, to call for the records relating to the award in I.D.No.1 of 2011 dated 27.10.2011, insofar as it directs to the extent of declining back wages.

2. This Court, having heard the learned counsel for the petitioner at length and after having perused the impugned award dated 27.10.2011, is of the considered view that the learned labour Court has considered the matter elaborately and assigned sufficient reasons for setting aside the termination of the services of the petitioner and in modifying the said punishment while denying back wages for the period during which the petitioner was out of service. There is no dispute that the petitioner was unauthorisedly absent from duty in spite of requiring him to be present for duty. The petitioner, though reported to duty, again went on unauthorised absence. No doubt, the



3. This Court, does not find any error or illegality in the reasoning given by the learned labour Court warranting interference of this Court, under Article 226 of the Constitution of India. The certiorari jurisdiction of this Court can be exercised only in exceptional cases where orders passed by the respondents are perverse or based on no evidence or the errors are apparent on the face of the records. In the considered view of this Court it is not a case where interference of this Court is warranted.



WEB COPY

4. However, the submission made by the learned counsel on the ground that the respondents have not implemented the impugned award dated 27.10.2011, in its proper perspective by granting continuity of service and all other benefits is concerned, this Court is of the considered view that the impugned award has become final insofar as the respondent Bank is concerned and from proceedings dated 28.01.2012 also it is evident the respondent bank has ordered for implementing the award dated 27.10.2011. Therefore, the respondent bank is not entitled to deny the benefits, that would accrue from the award dated 27.10.2011 for which the petitioner is entitled to under the law.

5. In the circumstances, the petitioner is granted liberty to submit a detailed representation ventilating his grievance, with regard to benefits for which the petitioner is entitled to under the award dated 27.10.2011 within a period of 3 weeks from the date of receipt of a copy of this order. On submission of the said representation, the respondent is directed to consider the same and extend the benefits for which the petitioner is entitled under the award dated 27.10.2011 as expeditiously as possible at any rate within a period of two months from the date of submission of the representation by the



W.P. No.17520 of 2012

petitioner. Accordingly, the writ petition is disposed of. The miscellaneous applications, if any, shall stand closed. No costs.

29.11.2023

Index : Yes/No
Speaking Order : Yes/No
dpa

To:

- 1.The Deputy General Manager
Canara Bank,
HRM Section, Circle Office, City Towers, No.1.,
Royal Road, Cantonment, Trichy-620 001.
- 2.The Presiding Officer,
Central Government Industrial Tribunal cum Labour Court,
Shasthri Bhavan, Haddows Road, Chennai-600 006.
- 3.The Secretary to Government,
Government of India,
Ministry of Labour,
Sharanshakthi Bhavan, Rafi Marg, New Delhi-1.

MUMMINENI SUDHEER KUMAR,J.



WEB COPY



W.P. No.17520 of 2012

dpa

W.P.No.17520 of 2012

29.11.2023