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W.P.No.39304 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.39304 of 2004

Central Bank of India,
Regional Office,
Reheja Complex, 3rd Floor,
69, Anna Salai,
Chennai - 600 002.

... Petitioner

Vs.

1.The Presiding Officer,
Central Government Industrial
Tribunal cum Labour Court,
Chennai - 600 006.

2.The General Secretary,
Central Bank of India Staff Union,
No.18, Thiru Vi Ka Road,
Royapettah, Chennai - 600 014.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records of the first respondent in I.D.No.4 of 2003 and quash its Award dated 18.08.2004.

For Petitioner : Mr.Anand Gopalan
for T.S.Gopalan & Co.

R1 : Court
For R2 : Mr.K.M.Ramesh, Senior Counsel
for Mr.S.Apunu



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ORDER

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This writ petition has been filed challenging the award passed by the first respondent dated 18.08.2004 in ID.No.4 of 2003, thereby directing the petitioner to pay special allowance from the date when their juniors were promoted as Head Cashier 'E'.

2. Heard the learned counsel for the petitioner and the learned Senior Counsel for the second respondent and perused the materials available on record.

3. The claimants of the Union viz., the second respondent herein who were discriminated in the matter of payment of special allowance, the juniors to the claimants were promoted to the cadre of Head Cashier E and they were granted special allowance. The claimants were deliberately denied the said promotion to the post of Head Cashier E, even though they possess the requisite qualification and were eligible to be promoted to the post of Head Cashier E.

4. Admittedly, the claimants are seniors and they were working as Head Cashier C (Metropolitan cities). As per the promotion policy agreement of the



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year 1975 on and from 01.01.1990, the Head Cashier E vacancies are to be identified and filled up from among the willing employees on purely seniority basis. Since there was no method envisaged in the said promotion policy agreement to find out the willingness of senior employees, the petitioner Management unilaterally and arbitrarily adopted a novel method of offering the said post to the available vacancies in the respective branch without following the regional seniority, whenever the vacancies arose and gave them the promoted post. The post of Head Cashier E carries a Special allowance of Rs.906/- per month and denial of promotion to eligible and qualified employees caused great prejudice.

5. Admittedly, it is not a selection post and the only criteria for filling up the said post is purely on seniority. Therefore, the petitioner bank has to offer the said post to the employees, who stand next in the seniority list. Instead of following this method, the petitioner bank offered the post to junior employees.

6. Admittedly, the claimants' juniors were offered to the post of Head Cashier E. The claimants were not been called for their willingness to the post of Head Cashier E. As per the promotion policy at the relevant point of time,



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the petitioner has to call for willingness of senior most employees to be posted as Head Cashier E. However, the petitioner bank failed to follow the said policy, as per the policy settlement entered between the petitioner Bank and Union codifying the promotion policy. Therefore, the Labour Court had rightly concluded that the claim of the claimants for payment of special allowance from the date when their juniors were promoted as Head Cashier E. Hence, this Court finds no perverse in the findings of the Labour Court and this writ petition stands devoid of merits and is liable to be dismissed.

7. The interim order granted by this Court imposing condition to deposit the entire special allowance of Rs.2,91,480/- to the credit of Central Industrial Tribunal in ID.No.4 of 2003 on the file of the first respondent with accrued interest. Therefore, the claimants are permitted to withdraw the said amount by way of filing an application.

8. Accordingly, this writ petition stands dismissed. No costs.

14.09.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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To

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G.K.ILANTHIRAIYAN, J.

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