



WP.No.3271 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2023

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3271 of 2017

P.Vijaya

...Petitioner

Vs

1. The Presiding Officer,
Central Government Industrial Tribunal cum Labour Court,
Chennai.
- 2.The General Manager,
Indian Overseas Bank,
Regional Office,
762, Anna Salai,
Chennai-600 002.
- 3.The Chief Manager,
Indian Overseas Bank,
Periyar Nagar Branch,
Chennai-600 082.

...Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of certiorarified mandamus, calling for the records of the first respondent in connection with the award pronounced in I.D.No.38 of 2015 dated 13.05.2016 and quash the same and direct the second respondent management to reinstate the petitioner in service with full back wages, continuity of service with all other attendant benefits.



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For Petitioner : Mr.S.Ravi
For Respondents-2 : Ms. Umayal Muthaiah
for K.K.Siva Shanmugam

ORDER

Aggrieved by the impugned award passed by the Labour Court in I.D.No.38 of 2015, the petitioner/workman has filed this Writ Petition.

2. The facts in brief are:-

The Petitioner herein joined as a sweeper in the respondent bank on temporary basis in the year 1998. Despite rendering continuous service in the respondent bank and also making several representations to the bank seeking to regularize her service, her services were not regularized. Upon note of her application for the post of sweeper, she was appointed as a Sweeper vide order dated 07.09.2011. Subsequently, on 21.01.2014, she was terminated from the service on the ground that she had submitted a bogus certificate of educational qualification at the time of joining the service. As against her termination, the petitioner raised an Industrial



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Dispute under Section 2-A of the Industrial Disputes Act, 1947 before the 1st respondent Labour Court in I.D.No.38 of 2015 which was dismissed on the ground that no proof was placed by the petitioner in order to prove the certificate produced by the petitioner is a genuine one. Challenging the same, the petitioner has filed this Writ Petition.

3. Learned counsel for the petitioner would submit that the action of the respondent bank in terminating her from service without conducting department enquiry is highly illegal. For the alleged misconduct, the petitioner should have been issued with a charge memo. However, in the present case, neither the charge memo was issued nor the departmental enquiry was conducted as to the allegation levelled against the petitioner. Hence, the findings rendered by the Labour Court rejecting the claim of the petitioner is not sustainable. Accordingly, he prays for allowing this Writ Petition.

4. Per Contra, learned counsel appearing for the respondent bank would submit that as per the 12(3) settlement entered into between the



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petitioner and the respondent bank, necessarily the petitioner has to produce the certificate of basic educational qualification before the appointing authority to enable the authority to issue the appointment order. Accordingly the said certificate was sought for and the same was produced by the petitioner. However, during the enquiry it was revealed that the certificate of educational qualification produced by the petitioner was a bogus one and hence she was terminated from service. The said issue was elaborately considered by the Labour Court and the claim of the petitioner has been rightly rejected. Hence there is no infirmity with the findings rendered by the Labour Court. Accordingly, he prays for dismissal of this Writ Petition.

5. This Court heard the learned counsel appearing on either side and perused the materials available on record.

6. Admittedly, the petitioner was appointed as Part-Time sweeper in the Respondent Bank and later she was absorbed as a permanent sweeper. The respondent bank has terminated the petitioner from service on the



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ground that she has produced a bogus certificate of Educational qualification at the time of joining the service. However, on perusal of the materials available on record, it is seen that the Labour Court has properly appreciated all the oral and documentary evidences while rejecting the claim of the petitioner. Further, it is seen that the petitioner has not placed any documentary evidence before the Labour Court in order to establish that the certificate of educational qualification which was produced by her is a genuine one. However, the bogus nature of the educational certificate has been established by the Management in the enquiry proceedings. In the absence of any such material to take a contrary view with regard to the certificate and the issue being properly adjudicated by the Labour Court, this Court, under Article 226 is not inclined to conduct a roving enquiry, when the authenticity of the certificate has been established to be bogus in the manner known to law and, therefore, the award passed by the Labour Court does not suffer any vice of illegality and the same needs no interference.



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NHS

7. For the reasons aforesaid, this Writ Petition is devoid on merits and the same stands dismissed accordingly. There shall be no order as to costs.

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Index : Yes (or) No
Neutral Citation : Yes (or) No
Speaking Order : Yes (or) No
NHS

To

The Presiding Officer,
Central Government Industrial Tribunal cum Labour Court,
Chennai.

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