



W.A.No.2130 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Writ Appeal No.2130 of 2022

T.Radhakrishnan

... Appellant

Vs.

1.Bank of Baroda,
Represented by its Deputy Regional Manager,
83, Bank Road, 3rd Floor,
Coimbatore – 641 018.

2.The Presiding Officer,
The Central Government Industrial
Tribunal cum Labour Court,
I Floor, 'B' Wing, 26, Haddows Road,
Shastri Bhavan, Chennai – 600 006.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 29.04.2022 passed in W.P.No.5782 of 2010.

For Appellant	: Mr.K.M.Ramesh Senior Counsel for Mr.V.Subramani
For R1	: Mr.Anand Gopalan for G.Anandakumar
For R2	: Tribunal



W.A.No.2130 of 2022

J U D G M E N T

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

The writ order dated 29.04.2022 passed in W.P.No.5782 of 2010 is under challenge in the present writ appeal.

2. The 2nd respondent in the writ petition is the appellant before us.

3. The appellant was engaged as casual employee in the Bank of Baroda as messenger from the year 1991 onwards. His services were retrenched with effect from 17.05.2004, without complying with the mandatory provision of Section 25-F of the Industrial Disputes Act, 1947. Thus, the appellant herein raised an industrial dispute. The Tribunal passed an award in favour of the appellant, mainly on the ground that the management failed to comply with Section 25-F of the Industrial Disputes Act. The Tribunal passed an award of reinstatement with full back wages. Bank of Baroda/1st respondent herein challenged the said award in W.P.No.5782 of 2010. The writ court considered the mitigating factors and found that the appellant was a casual employee. Therefore, he cannot be re-



W.A.No.2130 of 2022

instated in lieu, compensation was awarded. The compensation was calculated to a sum of Rs.2,50,000/- to be paid to the appellant herein.

4. We find that the appellant/workmen was left with 8 more years of service. His last pay drawn is Rs.3,200/-p.m. That being so, we are inclined to add a sum of Rs.50,000/- more towards the compensation.

5. Accordingly, the 1st respondent/Bank of Baroda is directed to pay a sum of Rs.3,00,000/- towards compensation to the appellant within a period of four (4) weeks from the date of receipt of a copy of this order.

6. With the above modifications, the writ appeal stands **disposed of**. No costs.

[S.M.S.J.] [K.R.S.J.]
26.03.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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W.A.No.2130 of 2022

To

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