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W.A.Nos.3425& 3428 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

Writ Appeal Nos.3425 & 3428 of 2024
and CMP Nos.26545 & 26559 of 2024

1. N.Anbarasan

2. N.Selvarajan

3. M.Subramanian ... Appellants in WA 3425/2024

K.Rajendran ... Appellant in WA 3428/2024

Vs.

1. Indian Overseas Bank
Rep. By its Managing Director & CEO,
Central Office, No.763, Anna Salai,
Chennai 600 002.

2. Indian Overseas Bank,
Rep. By its Senior Manager,
Regional Office,
100 Feet Road, Puducherry. ... Respondents 1 & 2 in both the
Appeals



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3. The Branch Manager,
Indian Overseas Bank,
Nagapattinam Branch,
Nagapattinam 611 001.

4. The Branch Manager,
Indian Overseas Bank,
Sikkal Branch,
Sikkal 611 108.

5. The Branch Manager,
Indian Overseas Bank,
Velankanni Branch,
Velankanni 611 111.

... Respondents 3 to 5 in WA 3425/2024

The Branch Manager,
Indian Overseas Bank,
Enangudi Branch,
Karaipakkam, Enangudi 609 701,
Nagapattinam.

... 3rd Respondent in WA 3428/2024

Prayer: Writ Appeals filed under Clause 15 of the Letters Patent, to allow the
Writ Appeal and set aside the order (i) dated 15.10.2024 in WP No.30956 of
2022 (ii) dated 15.10.2024 in WP No.33863 of 2022 respectively.

For Appellants : Mr.S.Sadasharam
(in both the Appeals)

Respondents : Mr.N.G.R.Prasad
(in both the Appeals) for Mr.K.Srinivasamurthy



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COMMON JUDGMENT

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

We have heard Mr.S.Sadasharam, learned counsel appearing for the appellants in both the Appeals and Mr.Mr.N.G.R.Prasad learned counsel appearing for Mr.K.Srinivasamurthy, for the respondents in both the Appeals.

2. The petitioners in WP Nos.30956 and 33863 of 2022 are on Appeal. Challenge is to the order of the Writ Court dismissing their writ petitions in which an inter-office communication between the Head Office of Indian Overseas Bank and its various branches was challenged. The said communication dated 31.10.2022 informs the branches that as per the guidelines the maximum age of Jewel Appraisers should be 60 years and advices the branches to disengage those Jewel Appraisers, who are aged above 60 years. The Writ Court dismissed the challenge on the ground that the petitioners not being regular employees of the Bank cannot claim any right to be retained in service till they attain a particular age.



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3. Before the Writ Court very strong reliance was placed by the counsel for the petitioners on the judgment of the Hon'ble Supreme Court in ***Indian Overseas vs. Workmen, reported in (2006) 3 SCC 729***, where the Hon'ble Supreme Court held that the Jewel Appraisers are not workman under the Industrial Dispute Acts, 1947 and there is no age of requirement for Jewel Appraisers. The law laid down by the Hon'ble Supreme Court cannot come to the rescue of the petitioners in their challenge to the communication dated 31.10.2022. Once it is held that they are not workmen under the Industrial Disputes Act, their services can be terminated at any point of time. They cannot claim right of employment till they attain a particular age that is the context in which the Hon'ble Supreme Court held that there is no age of retirement for Jewel Appraisers.

4. By no stretch of imagination can the judgment be interpreted to mean that a Jewel Appraiser once engaged by a Bank will have to be retained in service till he attains a particular age or till his life. Being a contractual engagement where the Jewel Appraisers are paid for the work done by them only they cannot claim a right to be in employment for ever. Their employment will be at the discretion of the employer/Bank.



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5. Mr.S.Sadasharam, learned counsel appearing for the appellants would contend that now the Bank has increased the maximum age limit for Jewel Appraisers to the age of 65. Therefore, the Bank should engage the services of the petitioners till they attain the age of 65. We are unable to accept the said submission as there cannot be a Mandamus directing an employer to engage services of a particular person when it is held that such person is not a workman.

6. We therefore do not see any merit in the Appeal, the Appeals fail and are accordingly dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) (C.KUMARAPPAN, J.)
27.11.2024

jv

Index: No
Internet: Yes
Speaking order
Neutral Citation: No



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To

1. The Managing Director & CEO,
Indian Overseas Bank
Central Office, No.763, Anna Salai,
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