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W.A.No.2808 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

W.A.No.2808 of 2024
and C.M.P.No.20597 of 2024

Indian Overseas Bank,
Rep. by its General Manager,
Human Resources Management Department (HRMD),
Regional Office, 762, Anna Salai,
Chennai – 600 002.

... Appellant

Vs.

1.The Central Government Industrial
Tribunal cum Labour Court,
Rep. by its Presiding Officer,
Shastri Bhavan, Haddows Road,
Chennai – 600 006.

2.J.Ravikumar

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent Act,
praying to allow the Writ Appeal and set aside the order dated 10.08.2023
in W.P.No.28933 of 2017.

For Appellant : Mr.V.Stalin

For R1 : Labour Court



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JUDGMENT

(Judgment of the Court was made by *M.S.RAMESH, J.*)

Claiming that the second respondent herein who was appointed as a messenger under the appellant/Bank on 23.12.2011, had submitted a false experience certificate at the time of appointment, he was terminated from service through an order dated 20.05.2014, by paying him one month pay and allowances, in lieu of the notice period.

1.2. When the second respondent had challenged the termination order before the Central Government Industrial Tribunal cum Labour Court (CGIT)/first respondent, the order of termination was set aside and the appellant/Bank was directed to reinstate the second respondent in service, with 75% backwages and all other attendant benefits, with a default clause of payment of interest @ 7.5% p.a.

1.3. On the basis of the oral and documentary evidences before it, the CGIT had come to the conclusion that the second respondent herein



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had been working in the Bank from 1999 onwards, even though it is temporarily, had completed 240 days during the relevant period and thus, had interfered with the order of termination.

1.4. The learned Single Judge before whom the Award of the CGIT was challenged, had found that the punishment of termination from service was imposed without framing any charges or conducting any inquiry.

2. When the CGIT had found that the second respondent herein had put in more than 240 days of service in a calendar year, he is deemed to be considered as a workman for all purposes under labour jurisprudence and the principle of natural justice would mandate for a conduct of a proper departmental proceeding, by giving due opportunity to the concerned workman, before a major penalty of termination is imposed.

3. Admittedly, no charges were levelled against the second respondent herein and not even a show cause notice was issued prior to passing of the punishment. Such a procedure, adopted by the appellant/Bank against an employee who had completed more than 240



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days in a calendar year, is alien to labour jurisprudence. The learned Single Judge had also recorded the violation of these fundamental principles and had rightly dismissed the Writ Petition. We do not find any valid grounds to interfere with the concurrent findings by both the CGIT or the learned Single Judge.

4. In view of the above, the Writ Appeal stands dismissed. No costs. Connected miscellaneous petition is closed.

[M.S.R., J] [C.K., J]

24.09.2024

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

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To

The Central Government Industrial
Tribunal cum Labour Court,
Rep. by its Presiding Officer,
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M.S.RAMESH, J.
and
C.KUMARAPPAN, J.

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