



WEB COPY

W.A.No.3657 of 2



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No. 3657 of 2024
and
C.M.P.No.28774 of 2024

Indian Overseas Bank,
Rep. by its Chief Manager,
CDAC Department,
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.P.Raju

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside
the order dated 16.08.2023 passed in Writ Petition No.20880 of 2017.

For Appellant

: Mr.K.Srinivasamurthy



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J U D G M E N T

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

The Management is on appeal. Challenge is to the order of the writ Court made in W.P.No.20880 of 2017 dated 16.08.2023, dismissing the Writ Petition filed by the Management challenging the award of the Central Government Industrial Tribunal made in I.D.No.57 of 2015 dated 21.04.2017.

2. The 2nd respondent workman was charged with the offence of colluding with the other two workmen in receiving bribe from one Vellaichamy. The charge against the 2nd respondent was that he facilitated the transaction by lending his account number, through which the money was transferred to the account of the daughter of one another employee by name Muthuraj.

3. The workman contended that he had given his account number out of good will and the same was misused by Muthuraj.



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4. The Tribunal found that the enquiry was not fair and proper and hence the parties were permitted to let in evidence before the Tribunal. On a consideration of the evidence, the Tribunal came to the conclusion that though the fact that the money was transferred to the account of the 2nd respondent workman was established, the nexus of the 2nd respondent that the other individual as a partner to the crime was not made out. The Tribunal concluded that in the absence of evidence to show that the 2nd respondent workman was also a part of the entire conspiracy, the punishment of dismissal visited on him cannot be sustained. Therefore, the Tribunal directed reinstatement with entire back wages and attendant benefits.

5. The writ Court affirmed the conclusion of the Industrial Tribunal. The writ Court also took care to examine the entire evidence. The Writ Court found that there is no clinching material to show that the 2nd respondent was aware of the transaction between the other individuals, who were involved in the alleged bribery. The writ Court concluded that in the absence of such incriminating material, the award of the labour Court cannot be interfered with. The writ Court however modified the punishment



as one of stoppage of increment for a period of 2 years with cumulative effect.

6. We have heard Mr.K.Srinivasamurthy, learned counsel appearing for the appellant.

7. Mr.K.Srinivasamurthy, learned counsel appearing for the appellant would vehemently contend that the very fact that the 2nd respondent permitted the other individuals who were involved in the conspiracy to use his account is itself sufficient to show that he had a role in the entire conspiracy.

8. He would also invite our attention to the letter dated 07.03.2013, wherein he had said that he knew the said Muthuraj and Vellaichamy was introduced to him by Muthuraj. In the very same letter the 2nd respondent has stated that he does not know who deposited the money in his account and on instructions of Muthuraj he had transferred the money to his daughter's account.



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9. This by itself cannot be considered as evidence good enough to conclude that the 2nd respondent is guilty of the charges. We are unable to find from the records that the attention of the witness viz., WW1 was drawn to the document dated 07.03.2013 and the same was proved in accordance with law. We find that it has been marked as part of the enquiry report.

10. Hence, we do not see any merit in the appeal. The Writ Appeal is therefore, **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.

dsa
Index : No
Neutral Citation : No
Speaking Order

(R.S.M., J.) (C.K., J.)
16.12.2024



To

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

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and
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