



W.P.No.11044 of 2015

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.11044 of 2015
and W.M.P.No.33884 of 2024**

Andhra Bank,
rep.by its Chairman,
Head Office,
Secretariat Road, Saifabad,
Hyderabad-500 004.

... Petitioner

Vs.

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

2.C.Kirupanandham

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records pertaining to the order dated 09.02.2015 passed by the first respondent in C.P.No.03 of 2014 and quash the same.



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For Petitioner : Ms.A.Rita Chandrasekaran
for M/s.Aiyar and Dolia

For Respondents : R1-Court
Mr.K.M.Ramesh
Senior Counsel for R2

ORDER

This Writ Petition has been filed challenging the award dated 09.02.2015 passed by the first respondent in C.P.No.03 of 2014.

2. The learned counsel appearing for the petitioner Bank submits that the second respondent was working as Clerk in the petitioner Bank and he committed misconduct and therefore, departmental enquiry was initiated against him and he was dismissed from service. Aggrieved by the same, the second respondent/workman preferred an appeal before the Appellate Authority vide letter dated 03.11.2010 and the Appellate Authority, after going through the materials placed on record and the submissions made by the second respondent/workman, modified the punishment from dismissal to that of compulsory retirement in terms of Clause 6(c) of Memorandum of



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Settlement and thereafter, the second respondent/workman filed a claim petition after a lapse of three years claiming Privilege Leave Salary of Rs.1,65,724/- relying upon the judgment of the Hon'ble Supreme Court of India dated 11.12.2013 in C.A.No.10956 of 2013 in the case of **Bank of Baroda vs. S.K.Kool and another** and it was allowed vide impugned award dated 09.02.2015. Challenging the same, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioner Bank submits that the Privilege Leave Salary was allowed by the Labour Court only on the basis of the judgment cited supra, however, as against the judgment passed by the Hon'ble Apex Court of India, there is a review application pending and when the review application is pending, relying on the said judgment, the Labour Court allowed the claim petition filed by the second respondent which is not sustainable one. Hence, she prays for allowing this writ petition.



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4. Per contra, the learned Senior Counsel appearing for the second respondent submits that as on date, the judgment of the Hon'ble Apex Court of India dated 11.12.2013 is occupying the field. Until the judgment is reviewed, the second respondent is entitled to claim the Privilege Leave Salary from the petitioner Bank. However, the learned counsel, on instructions, submits that the second respondent is ready to forego the interest as ordered by the Labour Court, if the petitioner Bank pays the remaining 50% of the award amount, since 50% of the award amount was already deposited by the petitioner Bank.

5. Heard the learned counsel appearing for the petitioner Bank and the learned Senior Counsel appearing for the second respondent.

6. Though the review application is pending before the Hon'ble Supreme Court of India against the judgment dated 11.12.2013 passed in C.A.No.10956 of 2013, it will not prevent the second respondent from claiming Privilege Leave Salary and therefore, he has filed the claim

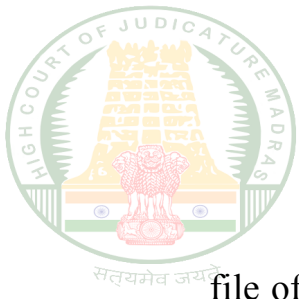


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petition before the Labour Court seeking Privilege Leave Salary of Rs.1,65,724/-. Further, the petitioner Bank has not disputed regarding the privilege leave lying to the credit of the second respondent or the amount that would be payable on encashment of leave before the Labour Court and thereby, the Labour Court, relying on the judgment cited supra, allowed the claim petition filed by the second respondent/workman directing the petitioner Bank to pay a sum of Rs.1,65,724.80/- along with interest at the rate of 9% per annum from 28.12.2013, which, in the considered view of this Court, is perfectly in order.

7. It is seen from the records that the petitioner Bank has already deposited 50% of the award amount. The second respondent is now ready to forego the interest of 9% as ordered by the Labour Court, if the petitioner Bank pays the remaining 50% of the award amount. Hence, this Court directs the petitioner Bank without prejudice to the rights in the Hon'ble Apex Court of India in the review petition to deposit the remaining 50% of the award amount without interest to the credit of C.P.No.03 of 2014 on the



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file of the first respondent, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the second respondent/workman is at liberty to withdraw the same by filing appropriate application. The withdrawal of the amount is also subject to the result of the review petition.

8. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

13.03.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

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



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M.DHANDAPANI,J.

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