



IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 13.02.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.26230 of 2012

The Regional Manager,
Vijaya Bank,
Regional Office,
No.123, Marshalls Road,
Egmore, chennai-8.

.... Petitioner

-VS-

1. The Central Government
Industrial Tribunal cum Labour Court,
First Floor,
B Wing, 26 Haddows Road,
Sastri Bhavan, Chennai-6.

2. General Secretary,
Vijaya Bank Workers Organisation,
60/2, Big Street, Triplicane,
Chennai-5.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, to call for the records of the Award passed by the first respondent dated 25.08.2011 in Industrial Dispute No.10/2011 quash the same.

For Petitioner : Mr.Sardesh Sarava

For Respondents : Mr.K.M.Ramesh, Sr.C
For M/s.Apunu R2
R1 – Court



WEB COPY

ORDER

The writ petition has been filed seeking to quash the the Award passed by the first respondent dated 25.08.2011 in Industrial Dispute No.10/2011 quash the same.

2. It is the case of the petitioner that the petitioner is a Bank under the Banking Companies Act, 1980. One late C.Raju husband of R.Susheela was appointed as a subordinate staff in Vijaya Bank on 01.08.1974. His services were confirmed on 01.02.1975. He met with an accident on 24.07.1985 and was seriously injured. As the leave available to his credit had been exhausted, the said Raju was on leave on loss of pay. Subsequently, he has resigned his job on 02.09.1989. Vide appointment dated 12.09.1989, one Susheela, W/o.Raju was appointed as a Probationary Peon in Vijaya Bank on compassionate grounds. Thereafter, on 22.06.1996, the said Susheela requested the Bank to grant her family pension and the said request was rejected by the Bank. Aggrieved over the same, the second respondent Union has raised an industrial dispute before the Labour Court and the same was allowed in favour of the said Susheela, vide order dated 25.08.2011. Challenging the said order, the petitioner Bank has filed the present writ petition.



WEB COPY

3. The learned counsel for the petitioner submitted that the award passed by the first respondent is against law on the facts and circumstances of the case. The first respondent has passed the impugned order while holding that the late Raju only retired under the VRS scheme and his wife Susheela was appointed on compassionate grounds and that the conditions for eligibility of family pension being satisfied and she is entitled to get family pension. In this context, the first respondent has failed to take note of the important fact that even an employee who has retired under VRS, to become eligible for pension, he/his dependants must exercise the option to join the pension fund within the stipulated time limit and also comply with the conditions. Hence, the award passed by the first respondent is erroneous. The learned counsel seeks to quash the impugned order and allow the writ petitions.

4. The learned counsel for the second respondent submitted that on Raju was appointed in the services of the petitioner Bank on 01.08.1974. He met with an accident while he was in service, for which, he has given up his appointment on medical ground in terms of the Bank scheme introduced in the year 1988 and his wife was appointed on compassionate ground in the bank. The learned counsel further submitted that the impugned order of the first



WEB COPY

respondent is based on factual assessment and appreciation of documentary evidence available before it. The first respondent has exercised its jurisdiction in a fair and proper manner and the same cannot be faulted with either as erroneous or without jurisdiction.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials available on records.

6. The facts of the case are not in dispute. Admittedly one Raju was appointed with the petitioner bank in year 1974 and he was regularised in the year 1975. While discharging his duty, he fell down and got injured in the year 1985. It is also an undisputed fact that in the year 1988, a circular was issued by the petitioner bank as per the direction of the Government to extend the benefit of compassionate ground appointment to the dependants of employees who became physically disabled and retired on medical grounds. In such circumstances, the said Raju has made a representation seeking job for his spouse Susheela, on 31.05.1988. In the year 1989, the said Susheela was appointed on compassionate ground. Under these circumstances, the petitioner has denied pension to Susheela as she is not eligible to join the pension scheme in terms of the Pension Scheme, which is un-sustainable.



WEB COPY 7. This Court perused the impugned order. On perusal of the same, it is clear that as per VR scheme which was introduced by the petitioner Bank, the said Raju has given up his employment and his wife Susheela was appointed on compassionate ground. By producing necessary documents and witnesses, the second respondent has proved that the said Susheela is eligible for getting family pension and the Labour Court also fully analyzed the issue and passed award in favour of the second respondent. The reasons stated by the Labour Court is cogent and convincing. Hence, the writ petition filed by the petitioner is liable to be dismissed.

8. With the above discussion, the writ petition is dismissed. No costs.

13.02.2025

Rli

Index: Yes/No

NCS : Yes/No

To

1. The Central Government
Industrial Tribunal cum Labour Court,
First Floor,
B Wing, 26 Haddows Road,
Sastri Bhavan, Chennai-6.



WEB COPY



M.DHANDAPANI, J.

Rli

W.P. No.26230 of 2012

13.02.2025