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W.P.No.33183 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33183 of 2015

The General Manager (HRM)
Indian Bank
Corporate Office, HRM Department,
254-260 Avvai Shanmugam Salai,
Royapettah,
Chennai 600 014.

... Petitioner

Vs.

1.The Presiding Officer
Central Government Industrial Tribunal
Cum Labour Court,
Chennai 600 006.

2.The General Secretary,
Indian Bank Employees' Union

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the first respondent in I.D.No.41 of 2013 and quash its award dated 16.02.2015.

For Petitioner : Mr.P.Raghunathan
for M/s.T.S.Gopalan and Co.
For Respondents : R1 – Tribunal
Mr.K.M.Ramesh for R2
Senior Counsel



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for M/s.S.Apunu

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ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the first respondent in I.D.No.41 of 2013 and quash its award dated 16.02.2015.

2.The learned counsel appearing for the petitioner submitted that the point that arose for consideration before the first respondent is whether the action of the petitioner in not extending the pension scheme to those employees who were made to retire from service compulsorily and those removed from service with superannuation benefits is justified. The first respondent directed the petitioner to extend the pension scheme to all those employees who were visited with the penalty of removal from service with superannuation benefits and compulsory retirement with superannuation benefits, if otherwise they were entitled to superannuation benefits under the pension regulations as on the date on which the punishment was imposed on them, based on the decision of the Hon'ble Apex Court in Bank of Baroda Vs. S.K.Kool in Civil Appeal No.10956/2013.



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3.The learned counsel appearing for the petitioner further submitted that during the pendency of this writ petition, Indian Bank vide File M-3 S-304 dated 26.10.2018 extended the second option for joining the pension scheme for compulsorily retired officers/ employees who were in service of the Bank prior to 29.09.1995 and compulsorily retired after that date but before the date of settlement/ joint note i.e., 27.04.2010. Hence, this Court may grant liberty to the respondent to work out the remedy in the manner known to law.

4.The learned Senior Counsel appearing for the second respondent raise no serious objection and submitted that if the members of the respondent union satisfy the terms of File M-3 S-304 dated 26.10.2018, they may be allowed to exercise the option and further submitted that the period during which the writ petition was pending before this Court and the period during which the industrial dispute was pending before the first respondent may be excluded for the purpose of limitation.

5.In view of the above, this Court without going into the merits of the case, grants liberty to the members of the second respondent who were in service of the Bank prior to 29.09.1995 and compulsorily



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retired after that date but before 27.04.2010 to exercise their option, if not already exercised, within a period of four weeks from the date of receipt of a copy of this order. If the terms in File M-3 S-304 dated 26.10.2018 are applicable to the persons who are removed from service with pecuniary benefits, they are also granted liberty to exercise their option, within a period of four weeks from the date of receipt of a copy of this order. The period during which the writ petition was pending before this Court and the period during which the industrial dispute was pending before the first respondent are excluded for the purpose of limitation.

6.The writ petition is disposed of. No costs.

26.03.2025

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No

To

1.The Presiding Officer
Central Government Industrial Tribunal
Cum Labour Court,
Chennai 600 006.

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M.DHANDAPANI,J.
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