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W.P.No.35231 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.35231 of 2015

And

M.P.No.1 of 2015 and W.M.P.Nos.3799, 3800 & 23403 of 2016

Indian Bank
rep. by Zonal Manager
Zonal Office
No.4, Bharathi Road,
Cuddalore 607 001.

... Petitioner

Vs.

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

2.K.Sekhar

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records in I.D.No.40 of 2013 and quash its award dated 19.09.2014.

For Petitioner : Mr.P.Raghunathan
for M/s.T.S.Gopalan and Co.
For Respondents : R1 – Court
Mr.K.M.Ramesh for R2
Senior Counsel
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 in I.D.No.40 of 2013 and quash its award dated 19.09.2014.

2.The case of the petitioner is that while the second respondent was working as Clerk cum Shroff at Sulankurichi Branch of the petitioner Bank, he was issued with a show cause notice on 17.02.2011 alleging that he had misappropriated Bank's money and after enquiry, he was dismissed from service vide order dated 24.11.2011 and challenging his dismissal order the second respondent raised industrial dispute and vide order dated 13.12.2012, Government referred the dispute to the first respondent and the dispute was numbered as I.D.No.40 of 2013. After adjudication, the first respondent passed the impugned order directing the petitioner to reinstate the second respondent in service with 25% backwages. Hence, this writ petition.

3.The learned counsel appearing for the petitioner submitted that the between charge memo and order of dismissal, the second



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respondent stabbed the then Branch Manager of Sulankurichi Branch for which a criminal case was registered against the second respondent, however, the same ended in dismissal. The learned counsel further submitted that during the pendency of this writ petition, without prejudice to the rights and contentions of the petitioner in the writ petition, the second respondent was reinstated in service on 18.03.2016. Now the only issue that has to be adjudicated is in respect of the 25% backwages awarded to the second respondent. The learned counsel further submitted that subsequently, the second respondent has raised another industrial dispute alleging that he was dismissed from service on the ground that he stabbed the then Branch Manager and the same is pending.

4.The learned Senior Counsel appearing for the second respondent on instructions, submitted that the second respondent agreed to forgo the 25% backwages awarded by the Labour Court, if the reinstatement is confirmed.

5.Heard the arguments advanced on either side and perused the materials available on record.



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6. Admittedly, during the pendency of this writ petition, the second respondent was reinstated in service on 18.03.2016. Now the second respondent is also ready to forgo the backwages. Hence, this Court hold that the reinstatement of the second respondent is subject to the result of the subsequent industrial dispute raised by the second respondent.

7. The writ petition is disposed of with the above terms. No costs. Consequently, the connected miscellaneous petitions are closed.

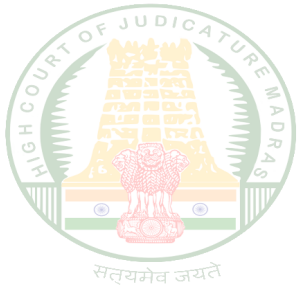
18.03.2025

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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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