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W.A.No.1013 of 2025



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2025

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A.No.1013 of 2025
and
C.M.P.No.8255 of 2025**

1.The National Banking Zonal Manager,
(Formerly the Zonal Manager) and
Appellate Authority,
Bank of India, Zonal Office,
Errabalu Street,
Chennai - 600 001.

2.Deputy Zonal Manager,
(Formerly The Assistant General Manager)
Bank of India, Chennai Zonal Officer,
Madras - 600 001. ...

Appellants

versus

C.K.Arivudainambi,
S/o.Late D.Kannan,
A S 7, Sunstone Apartments,
61, Anna Avenue,
Jaswant Nagar,
Mogappair West,
Chennai - 600 037. ...

Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.No.6540 of 2015 dated 24.04.2024.



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For Appellants : Mr.Rajnish Pathiyil

For Respondent : Mr.C.K.Arivudainambi
(Party-in Person)

JUDGMENT

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

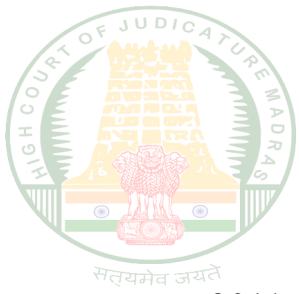
Challenge in this appeal is to the order of the learned single Judge made in W.P.No.6540 of 2015 dated 24.04.2024.

2. The respondent, who is a Chief Manager with the appellant Bank, was proceeded against for certain delinquencies and a punishment of compulsory retirement was imposed on him by proceedings dated 06.04.2006. The same was challenged in W.P.No.12828 of 2006.

3. A learned single Judge of this Court after considering the claim and the counter claim found that the punishment inflicted cannot be sustained. As a consequence, the writ petition was allowed on 15.09.2010.

While doing so, this Court in para 14 of the order observed as follows:-

*“14. The respondents are hereby directed to reinstate the petitioner. Even though the prayer is for attendant benefits, **except for counting the services for future service benefits, I do not find any justification to grant any monetary relief to the petitioner for the period during which he was out of service.**”*

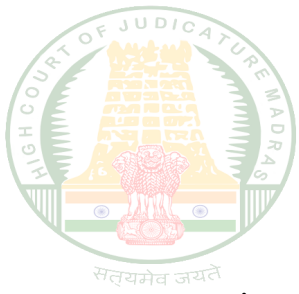


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4. This order was the subject matter of an appeal in W.A.No.71 of 2011 and the Division Bench dismissed the same, by order dated 10.01.2012. It is also stated that the operation of the order of the learned single Judge was stayed by the Division Bench pending the Writ Appeal. Thereafter, the appellant sought for difference in subsistence allowance, promotion, additional stagnation increments and salary for the period from 15.09.2010 to 28.05.2012, namely, between the date of the order of the single Judge and the actual date of reinstatement. The writ court rejected the prayers for promotion and stagnation increments and granted the difference in subsistence allowance and the salary for the period from 15.09.2010 to 28.05.2012. Aggrieved, the Bank is on appeal.

5. We have heard Mr.Rajnish Pathiyil learned counsel appearing for the Bank.

6. Mr.Rajnish Pathiyil, learned counsel would submit that the direction to pay wages from 15.09.2010 to 28.05.2012 cannot be sustained inasmuch as the Bank had obtained a stay pending the Writ Appeal in W.A.No.71 of 2011.



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7. We are unable to agree with the said submission. Once reinstatement of an employee is ordered by the court, the employer becomes liable to either reinstate the employee or pay salaries. Merely because the employer had obtained a stay of the order of reinstatement pending an appeal, the liability to reinstate or pay salaries will not cease.

8. Of course, it is open to the appellate court to issue directions regarding the payment of salary during the pendency of the Writ Appeal. Unfortunately for the appellant Bank, the Division Bench has confirmed the order of the learned single Judge and had only given time for compliance.

9. Therefore, once the order for reinstatement is confirmed by the appellate bench, it takes effect from the date of order of reinstatement by the learned single Judge, i.e. with effect from 15.09.2010.

10. Hence, we do not see any reason to interfere with the order of the learned single Judge. The Writ Appeal therefore fails and it is accordingly **dismissed**. The Bank will pay the amount to the respondent, as directed by the learned single Judge within a period of twelve (12) weeks



from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

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(R.S.M., J.) (G.A.M., J.)
03.04.2025

Speaking order

Index : No

Neutral Citation : No

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To

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