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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.04.2025

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.26456 of 2019

G.Vedhagiri

... Petitioner

Vs.

The Managing Director,
Indian Overseas Bank
Central Office, 762, Anna Salai,
Chennai-2.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the Central Government Industrial-cum-Labour Court in Connection with the award pronounced in ID No.22 of 2016 dated 11.05.2016 and quash the same and direct the respondent management to reinstate the petitioner in service with full back wages, continuity of service with all other attendant benefits.

For Petitioner : Mr.Ramkumar T

For Respondents : Mr.V.Stalin
For M/s.N.G.R.Prasad

ORDER



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This Writ Petition has been filed challenging the order passed by the of the Central Government Industrial-cum-Labour Court in ID No.22 of 2016 dated 11.05.2016 and direct the respondent management to reinstate the petitioner in service with full back wages, continuity of service with all other attendant benefits.

2. The facts of the case are as follows:

The petitioner joined the service with the respondent bank in the year 2009 as a temporary messenger. The petitioner was engaged on daily wage basis. The respondent bank has entered into a settlement dated 17.02.2011 for absorption of temporary messengers/sweepers in the Bank's service. Based on the said settlement, the management issued a circular dated 23.03.2011 regarding absorption of workers on regular basis. As per the said circular, the casual/temporary messengers/sweepers workers who have worked and completed 240 days or more days continuously in a calendar year as on 15.11.2011 shall be absorbed in biased manner. The petitioner was entitled to be absorbed as per the terms of the said settlement. After due verification, the then Branch Manager had issued the certificate of employment to the

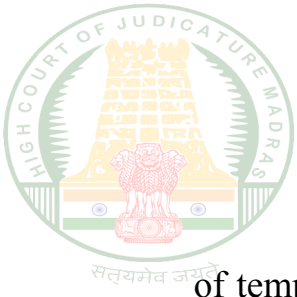


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petitioner and his service was regularized. Subsequently, the petitioner was placed under suspension. After due enquiry, the petitioner was terminated from service by order dated 18.02.2014, thereby, the petitioner raised a dispute before the Labour Court challenging the order of dismissal and the same has been rejected. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner has been terminated from services vide order dated 18.02.2014 on the ground that he had given false declaration to the bank and his conduct is unsatisfactory. Prior to the order of termination, the respondent has not issued any charge sheet or conducted any enquiry. The petitioner was not at all given any opportunity to prove his innocence and dismissed him from service, which is unsustainable.

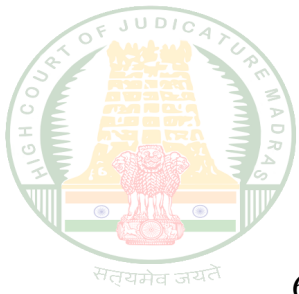
4. The learned counsel for the respondents submitted that a settlement under Section 12(3) of the Industrial Disputes Act was entered into between the recognised Trade Union and the management on 17.02.2011 for absorption



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of temporary Messengers and sweepers as a one time measure, The petitioner was absorbed in the service of the respondent Bank by order dated 23.12.2011 on the basis of his application and the service certificate issued by the Branch Manager. The Bank had received complaints regarding corruption in the process of messengers and sweepers and an investigation was conducted in this regard. On investigation, it was revealed that the petitioner has not worked in the bank as claimed by him in the undertaking letter dated 12.05.2011 given by him. The service certificate issued by the then Manager was revealed to be incorrect. In the application form submitted, the petitioner has declared that if the particulars given by him are found incorrect he is liable to be disqualified and he is liable to be terminated without notice. Based on the investigation report, the petitioner has given false particulars and therefore, he was terminated from service, which was confirmed by the Labour Court, which need not any interference.

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



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6. This Court perused the impugned order. On perusal of the same, it is seen that based on the undertaking given by the petitioner, the bank has given appointment to him. After verification, it came to know that the petitioner has given false declaration. The respondent has conducted enquiry with regard to the certificate issued by the petitioner at the time of his appointment. After conducting enquiry, the enquiry officer submitted a report. The report states that the petitioner has submitted a false service certificate along with his application. Thereby, the petitioner was dismissed from service. The termination of the petitioner's services based on the allegations that he has given false declaration, which is unjust and unfair. The Labour Court has rightly assessed the issue and rejected the petitioner's claim, which is perfectly in order. The reason stated in the award passed by the Labour Court is cogent and convincing and the same does not warrant any interference.

M.DHANDAPANI,J.

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7. In view of the above reasons, the writ petition stands dismissed and the award passed by the Labour Court is confirmed. No costs.



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Internet; Yes/No

Index: yes/No

Speaking order/Non-speaking order

To

1. The Managing Director,
Indian Overseas Bank
Central Office, 762, Anna Salai,
Chennai-2.

2. Central Government Industrial-cum-Labour Court
Chennai.

W.P.No.26456 of 2019