



W.P. No. 17520 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

W.P. No. 17520 of 2018

K.Saravanan

... Petitioner

-VS-

1.Indian Overseas Bank
Rep. by General Manager
Central Office-Post Box No.3765
Industrial Relation Department
763, Anna Salai, Chennai-600002.

2.Indian Overseas Bank
Rep. by Chief Manager
Regional Office
Verasamy Nagar
Sankkaranpalayam
Vellore – 632001.

3.The Branch Manager
Indian Overseas Bank
479, 1st Floor, Bangalore Highway
Nazarathpet – 602103.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent dated 12.05.2014 in No.IRD/184/49/2014-15 and to quash the same and consequently direct the respondents for reinstating the petitioner with all attending benefits.



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W.P. No. 17520 of 2018

For Petitioner : Mr. N.Krishnakumar
for M/s.Sarvabhauman Associates

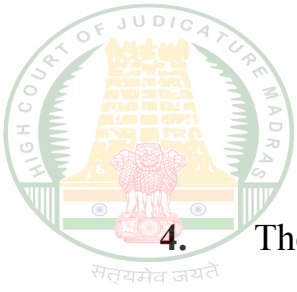
For Respondents : Mr.K.Srinivasa Murthy

ORDER

The petitioner has filed this writ petition to call for the records of the first respondent dated 12.05.2014 in No. IRD/184/49/2014-15 and to quash the same and direct the respondents to reinstate the petitioner to the service with all attendant benefits.

2. Heard Mr.N.Krishnakumar, learned counsel for the petitioner and Mr.K.Srinivasa Murthy, learned counsel for the respondents and perused the materials placed on record, apart from the pleadings of the parties.

3. The learned counsel for the petitioner submitted that the petitioner was appointed as Messenger on 23.12.2011. After six months his services were confirmed on 27.06.2012. All of a sudden, he was terminated on 12.05.2014 without even issuing any show cause or conducting any enquiry.



W.P. No. 17520 of 2018

4. The learned counsel for the respondents submitted that the petitioner will

fall under the definition of 'Workman' under the Industrial Disputes Act, 1956.

Without resorting to the recourse of raising industrial dispute by alleging that he was legally terminated, he has chosen to file the writ petition.

5. It is submitted that as per Section 2A(3) of the Industrial Disputes Act, any application under Section 2A(2) has to be made within a period of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service. The petitioner has not filed any industrial disputes till the expiry of three years from the date of his termination. Even the writ petition has been filed after a period of four years with delay and laches.

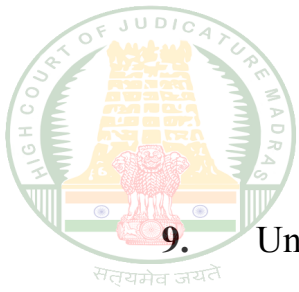
6. It is learnt that the petitioner and others have involved in a large scam with huge bribe was transacted by the office bearers of the trade union for induction of the ineligible candidates in the absorption process for the post of Messengers /Sweepers under permanent vacancies. Persons similar to the petitioners who have terminated from the service have filed industrial disputes and their industrial disputes have been dismissed.



W.P. No. 17520 of 2018

7. It is submitted that the petitioner has not been appointed through a regular selection process and then Branch Manager of Thirupattur has issued a false certificate stating that he was working in the Bank from April 2007 to 15.04.2011 as a temporary Messenger.

8. During enquiry the Branch Manager has stated that he has issued a false certificate under the pressure from the union. Accordingly, the appointment of the petitioner was made on false declaration and by furnishing bogus documents. The person who had chosen the above channel has been terminated without notice. One such industrial dispute filed by one Balaji in Industrial Dispute No.41 of 2014 before the Labour Court, Chennai was dismissed on the observation that during the relevant point of time, the person was not in the services of the bank, but was working elsewhere. The petitioner could have filed an industrial dispute after his termination to establish that the certificate produced by him was very much true and that he stands out from those persons who have been terminated on the similar allegations. The petitioners conduct of keeping silence for four years would only show that the petitioner has accepted the termination and he did not opt to challenge it before the Labour Court.



W.P. No. 17520 of 2018

9. Under such circumstances, the writ petition cannot be filed just in order

to escape from the mandates of limitation and without assigning any reasons as to the delay and laches. As the writ petition itself is not maintainable, I feel it is liable to be dismissed.

10. In view of the above stated reasons, this writ petition is dismissed. No costs.

03.03.2025

Internet: Yes/No
Speaking /Non-speaking order

Maya

To

1.The General Manager
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Central Office-Post Box No.3765
Industrial Relation Department
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W.P. No. 17520 of 2018

R.N.MANJULA, J.

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