



WEB COPY



W.P.No.20858 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2025

CORAM :

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.20858 of 2021

and

WMP.Nos.22124 of 2021 & 43137 of 2024

The Management,
Coimbatore District Central Co-operative Bank Ltd.,
No.80, Bank Road Post,
No.3731, Coimbatore,
Rep. by its General Manager.

...Petitioner

Vs.

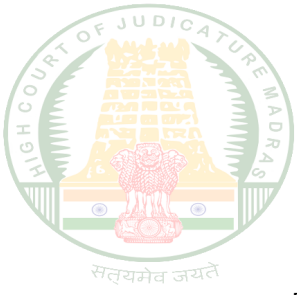
Stella

...Respondent

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for the records of the Principal Labour Court, Coimbatore in I.D.No.69 of 2015 and quash its award dated 30.03.2021.

For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan and Co.

For Respondent : Mr.K.M.Ramesh, Sr.C
for M/s.S.Apunu



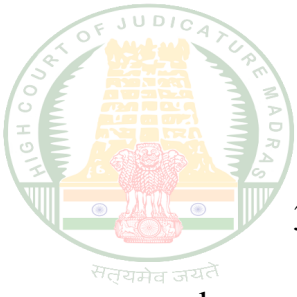
W.P.No.20858 of 2021

ORDER

WEB COPY

This Writ petition has been filed seeking quashment of the award passed by the Principal Labour Court, Coimbatore in I.D.No.69 of 2015 dated 30.03.2021.

2. The case of the petitioner is that, the respondent joined the services of the petitioner bank on 30.11.2010 and she was working as an Assistant cum Cashier in the petitioner bank's Kinathukadavu Branch at the relevant period. Whiles, as the respondent indulged in the misconduct of removal of jewels pledged by the customers for getting loans from the lockers by colluding with other persons, which caused loss to the petitioner bank to the tune of Rs.42,30,175/-, she was initially placed under suspension and was subsequently dismissed from service, after following the due process of law, vide order of dismissal dated 08.08.2014. While so, the respondent raised a dispute in I.D.No.69 of 2015 and the labour court, vide its award dated 30.03.2021 ordered reinstatement of the respondent with continuity of service along with 25% backwages and all other attendant benefits. Challenging the same, the petitioner has come up with this Writ petition.



WEB COPY

3. Learned counsel for the petitioner fairly submitted that, due to the lapses committed on the part of the respondent and other erred officials, though the petitioner suffered a huge loss in which the respondent's liability comes to around Rs.9,28,414/-, however, even prior to raising of the present dispute, the loss incurred by the petitioner bank was compensated by the other employees who were incharge during the relevant period and thereby, no amount is payable by the respondent. Learned counsel further submitted that, the petitioner is ready to reinstate the respondent back into service but without any backwages.

4. Though very many grounds have been raised by the learned counsel appearing on behalf of the respondent, however, he fairly submitted that, even today, the respondent is ready to report for duty and it would suffice, if this Court issues direction to the petitioner to pay any compensation in favour of the respondent *in lieu* of 25% backwages ordered by the labour court.

5. Heard learned counsel on either side and perused the materials available on record.



WEB COPY

6. Considering the facts and circumstances of the case as well as the fair submissions made by the learned counsel on either side, this Court is inclined to dispose of this Writ petition in the following terms:-

(i) The petitioner is directed to reinstate the respondent into service with continuity of service and all other attendant benefits within a period of two weeks from the date of receipt of a copy of this order.

(ii) The petitioner is directed to pay the current wages to the respondent/workman.

7. However, it is made clear that, the respondent will not be entitled to any backwages as ordered by the labour court, since, though the loss incurred by the petitioner bank due to the alleged misconduct committed by the petitioner and the other erred officials has been appropriated, ordering any backwages would be a bad precedent that might unduly benefit those responsible for the misconduct. Hence, this Court holds that the respondent is not entitled to any backwages.



W.P.No.20858 of 2021

WEB COPY

8. With the above observations and directions, this Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous petitions are closed.

25.04.2025

skt

NCC	: Yes/No
Speaking Order	: Yes/No
Index	: Yes/No

To:

The Principal Labour Court,
Coimbatore.



WEB COPY



W.P.No.20858 of 2021

M.DHANDAPANI, J.

skt

W.P.No.20858 of 2021
and
WMP.Nos.22124 of 2021 & 43137 of 2024

25.04.2025