



[3257]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

MONDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE JUVVADI SRIDEVI

WRIT PETITION NO: 14094 OF 2005

Between:

Union Bank of India, Nodal Regional Office, II floor, Late Complex, Nampally,
Hyderabad-500 001, Rep by its Deputy General Manager, Mr.C.Abraham.

...PETITIONER

AND

1. The Chairman and Presiding Officer, Tribunal-Cum-Labour Court, Central Government Industrial Tribunal-Cum- Labour Court, Manoranjan Complex, M.J.Road, Hyderabad-500 001.
2. Mr. K. Balanarasaiah, S/o. Late Sri K. Sailu, R/o.H.No.2-3/645/4/10, Prem Nagar, Amberpet, Hyderabad- 013.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to a). Call for the records pertaining to impugned Award dt.27 December, 2004 passed by the Learned Respondent No.1 viz., the Chairman-cum-Presiding Officer, Central Government Industrial Tribunal-Cum-Labour Court, Hyderabad in I.D.No.42 of 2003 b). Quash the same insofar it directs the petitioner Bank to pay 8 months last drawn pay to the respondent No.2, by the issuance of a writ, more particularly on in the nature of writ of certiorari or any other appropriate writ, order or direction.

I.A. NO: 1 OF 2005(WPMP. NO: 17892 OF 2005)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of the Impugned Award dt.27 December, 2004 passed by the Learned Respondent No.1 viz., the Chairman-cum-Presiding Officer, Central Government Industrial Tribunal-Cum-Labour Court, Hyderabad in I.D.No.42 of 2003, pending disposal of the writ petition.



2026:TSHC:3280

Counsel for the Petitioner: SRI G.V.S. GANESH

**Counsel for the Respondent No.1: SRI N. BHUJANGA RAO,
Deputy Solicitor General of India**

Counsel for the Respondent No.2: SRI P. SRIDHAR RAO

The Court made the following: ORDER



2026:TSHC:3280

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SMT. JUSTICE JUVVADI SRIDEVI

WRIT PETITION No.14094 of 2005

09 FEBRUARY, 2026

Between:

Union Bank of India,
Nodal Regional Office,
II Floor, Lata Complex,
Nampally, Hyderabad – 500 001,
rep. by its Deputy General Manager,
Mr. C.Abraham

... Petitioner

AND

The Chairman and Presiding Officer,
Central Government Industrial Tribunal-cum-Labour Court,
Manoranjan Complex,
M.J. Road, Hyderabad – 500 001 and another

... Respondents

: ORDER :

Petitioner-Bank has questioned the Award dated 27.12.2004 passed in I.D.No.42 of 2003 by respondent No.1, insofar as directing it to pay eight (8) months last drawn salary to respondent No.2.

2. Heard Mr. G.V.S.Ganesh, learned counsel for the petitioner, Mr. N.Bhujanga Rao, learned Deputy Solicitor General of India appearing for respondent No.1 and Mr. P.Sridhar Rao, learned counsel for respondent No.2 (learned counsel for the petitioner in W.P.No.9043 of 2006). Perused the record.



3. Respondent No.2 was appointed as a sub-staff in the petitioner-Bank on 01.10.1975 and thereafter he was promoted as a Clerk/Cashier in the year 1983. On the ground of unauthorized absence, a charge sheet dated 06.05.1991 was issued to him calling upon to submit his explanation. Thereafter, an ex parte inquiry was conducted and he was dismissed from service on 25.10.1991. Respondent No.2 approached the Labour Court by filing I.D.No.42 of 2003 and the Labour Court confirmed his dismissal from service. However, it directed the petitioner-Bank to pay compensation equivalent to half a month's wages for every completed year of service, which was calculated at 7 ½ months and rounded off to 8 months last drawn salary, within (30) days from the date of publication of the Award, failing which, respondent No.2 shall be entitled to interest @ 6% per annum on the said amount, after expiry of the said (30) days. Aggrieved, the petitioner-Bank filed this writ petition.

4. Case of the petitioner-Bank is that respondent No.2 remained absent from duty without prior intimation or sanctioned leave on the following occasions: from 29.01.1991 to 04.02.1991, from 18.02.1991 to 23.03.1991, on 07.05.1991, from 13.05.1991 to 17.05.1991, from 21.05.1991 to 22.05.1991, from 28.05.1991 to 30.05.1991, on 18.06.1991 and on 22.06.1991, in contravention of



the Leave Rules of the Bank. He was also charged with issuing cheques in the year 1989 without maintaining sufficient funds in his account for which he was censured and under a separate charge memo dated 25.07.1990, two annual increments were withheld on account of his unauthorized absence. Despite receipt of notice, respondent No.2 failed to appear before the Inquiry Officer, as such, the inquiry was conducted *ex parte*. A copy of the inquiry report along with the findings and the proposed punishment was duly served on respondent No.2, however, he failed to respond for the same.

5. Further case of the petitioner-Bank is that the disciplinary authority, having left with no other option, confirmed the proposed punishment and dismissed respondent No.2 from services of the petitioner-Bank. As respondent No.2 did not prefer any Appeal against the order of dismissal, the said order attained finality. However, after an inordinate delay of more than (11) years, respondent No.2 approached the Labour Court. Without assigning any proper or cogent reasons and on humanitarian grounds, the Labour Court passed the impugned Award, which is contrary to law. Hence, the impugned order is liable to be set aside.



6. Learned counsel for the petitioner submits that during the pendency of the present writ petition, respondent No.2 retired from service on attaining the age of superannuation. In support of his contention, he relied on the judgment of the Hon'ble Supreme Court in ***Life Insurance Corporation of India v. R.Dhandapani***¹ and drawn attention of this Court to paragraph Nos.8 and 9, which is as follows:

8. *It is not necessary to go into in detail regarding the power exercisable under Section 11-A of the Act. The power under said Section 11- A has to be exercised judiciously and the Industrial Tribunal or the Labour Court, as the case may be, is expected to interfere with the decision of a management under Section 11-A of the Act only when it is satisfied that punishment imposed by the management is wholly and shockingly disproportionate to the degree of guilt of the workman concerned. To support its conclusion the Industrial Tribunal or the Labour Court, as the case may be, has to give reasons in support of its decision. The power has to be exercised judiciously and mere use of the words 'disproportionate' or 'grossly disproportionate' by itself will not be sufficient.*

9. *In recent times, there is an increasing evidence of this, perhaps well-meant but wholly unsustainable, tendency towards a denudation of the legitimacy of judicial reasoning and process. The reliefs granted by the Courts must be seen to be logical and tenable within the framework of the law and should not incur and justify the criticism that the jurisdiction of the Courts tends to degenerate into misplaced sympathy, generosity and private benevolence. It is essential to maintain the integrity of legal reasoning and the legitimacy of the conclusions. They must emanate logically from the legal findings and the judicial results must be seen to be principled and supportable on those findings. Expansive judicial mood of mistaken and misplaced compassion at the expense of the legitimacy of the process will eventually lead to mutually irreconcilable situations and denude the*

¹ AIR 2006 SUPREME COURT 615



judicial process of its dignity, authority, predictability and respectability. [See: Kerala Solvent Extractions Ltd. v. A. Unnikrishnan and Anr. [1994 (1) SCALE 631]].

Hence, he prayed to set aside and quash the impugned Award.

7. Mr. P.Sridhar Rao, learned counsel for respondent No.2 (learned counsel for the petitioner in W.P.No.9043 of 2006) submits that the absence of respondent No.2 herein was on account of the death of his wife due to cancer and the demise of his father with a heart stroke. It is further contended that respondent No.2 herein has put in 16 years of service. The Labour Court, after considering all the aspects, has rightly granted compensation and the same need not be interfered with. Hence, he prayed to dismiss the writ petition.

8. The Labour Court, upon appreciation of the material on record, upheld the validity of the inquiry conducted and confirmed the finding of misconduct as well as the punishment of dismissal. However, considering the length of service rendered by respondent No.2 and the mitigating circumstances pleaded by him, it exercised its discretion to award limited monetary compensation in lieu of any further relief. The contention of the petitioner-Bank that once the Labour Court confirmed the dismissal, it ought not to have granted any compensation, cannot be accepted, inasmuch as the Labour



Court, in exercise of its powers under Section 11-A of the Industrial Disputes Act, 1947, is vested with wide discretion not only to interfere with the quantum of punishment but also to mould the relief in an appropriate and equitable manner. In the present case, the Labour Court has not interfered with the order of dismissal, but has only granted a modest compensation of eight months last drawn salary as an equitable measure. Further, during the pendency of the present writ petition, respondent No.2 retired from service on attaining the age of superannuation. In such circumstances, this Court is of the considered opinion that there is no illegality, perversity or infirmity in the Award passed by the Labour Court, warranting interference by this Court.

9. Accordingly, this Writ Petition is dismissed. No costs.

Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

Sd/-C.DEEPIKA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to SRI G.V.S. GANESH, Advocate [OPUC]
2. One CC to SRI N. BHUJANGA RAO, Deputy Solicitor General of India [OPUC]
3. One CC to SRI P. SRIDHAR RAO, Advocate [OPUC]
4. Two CD Copies
BN

PMK



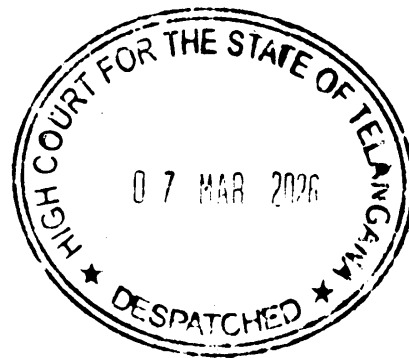
2026:TSHC:3280

HIGH COURT

DATED:09/02/2026

ORDER

WP.No.14094 of 2005



**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

GNT
6/3/26