

ALL INDIA BANK OFFICERS' CONFEDERATION

(Registered under the Trade Unions Act 1926, Registration No.3427/Delhi)
6th Floor, E-Block, Samriddhi Bhavan, 1, Strand Road, Kolkata -700 001
c/o State Bank of India Officers' Association (Bengal Circle)
Phone: 2210-1234, Fax: (033) 2210-2210



e-mail: aiboc.sectt@gmail.com
soumyadatta.aiboc@gmail.com
website: www.aiboc.org
[@aiboc_in](https://twitter.com/aiboc_in)

Circular No. 2022/23

Date: 08.07.2022

To All Affiliates (Please Circulate)

Dear Comrade,

AIBOC HAILS THE LANDMARK JUDGEMENT BY THRISSUR ADDITIONAL SUB COURT OF PRONOUNCING COM P V MOHANAN'S TERMINATION AS UNSUSTAINABLE

We reproduce hereunder the text of AIBOC press release dated 08.07.2022 for your information.

With revolutionary greetings,

Yours Comradely,

(Soumya Datta)
General Secretary

Text of the press release dated 08.07.2022

AIBOC HAILS THE LANDMARK JUDGEMENT BY THRISSUR ADDITIONAL SUB COURT OF PRONOUNCING COM P V MOHANAN'S TERMINATION AS UNSUSTAINABLE

All India Bank Officers' Confederation, the apex body of Bank Officers' Trade Union Movement in the country expresses a great sense of satisfaction on the judgement pronounced by the Thrissur Additional Sub court wherein the termination of Com. P V Mohanan, the former General Secretary of Dhanalakshmi Bank Officers' Organisation, has been described as unsustainable.

Com P V Mohanan, the then General Secretary of Dhanalakshmi Bank Officers' Organisation, was abruptly terminated from the service of the Bank on 11th June 2015. Com. P V Mohanan having 37 years of exemplary service in the Bank was the Kerala State President as well as the National Vice President of All India Bank Officers' Confederation when he was terminated from the Bank.

As the then Management did not yield to the spontaneous organisational actions by the unions and Confederation demanding reinstatement of Com. P V Mohanan, post his normal retirement date, the matter moved to the Additional Sub Court in Thrissur and. AIBOC takes great pride in the fact that we extended the entire financial support in this protracted legal battle that Com. P V Mohanan undertook.

The judgement copy of O.S. 171/2016 available with AIBOC clearly vindicates our position regarding the illegal termination order issued to Com. P V Mohanan. The honourable court said that P V Mohanan's termination is whimsical and the decision terminating his services is opposed to the Principles of Natural Justice and Public Policy. The honourable court

in its judgement allowed compensation with interest from the date of the suit and also allowed cost of the suit to be paid to Com. P V Mohanan.

The court in its judgement said that “no other letter is seen issued to the plaintiff intimating that his explanation is not satisfactory. Yet despite this, after plaintiff gave his reply, his services were abruptly terminated under the guise of a simple termination.” The court further observed that “A grosser illustration of the violation of the principles of Natural Justice is difficult to envisage.

The court observed that there was no reliable material on record to prove the alleged misconduct of Com. P V Mohanan. The court agreed with the plaintiff's plea that this termination was an act of victimisation and observed, quoting remarks by the Apex court in Indira Pal Gupta's case that “the order of termination is merely a camouflage for an order imposing the penalty of termination of service on the ground of misconduct”.

The judgement also recalls the famous ‘N P Mathai v/s Federal Bank’ case wherein the honourable High Court of Kerala had observed that institutions like Banks cannot adopt naked ‘hire and fire’ rule.

In the light of the judgment, we urge upon the present Management of Dhanlaxmi Bank, who seem to be successful in getting the team together for a real turnaround on the business front, to come forward and settle all the dues of Com. P V Mohanan and honour the exemplary service that he has put in for the Bank for 37 years. Such a decision would definitely send positive vibes not only to the workforce in Dhanlaxmi Bank but to the entire banking industry.

We salute the indomitable spirit and resolve of the associations and the citizenry who stood with us in this fight. We place on record our special appreciation towards the political and trade union leadership especially in the state of Kerala who backed this movement from the day one.

Sd/-
(Soumya Datta)
General Secretary