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W.P.No.14688 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 28.06.2022**

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

**W.P.No.14688 of 2014**

**and**

**M.P.No.2 of 2014**

1.Union Bank of India Officers Association,  
Tamilnadu,  
Rep. by its Chairman,  
9 & 10, T.N.H.B.Complex,  
180, Luz Church Road,  
Mylapore, Chennai – 600 004.

2.A.P.Venkatasubramanian

... Petitioners

Vs.

1.Union Bank of India,  
Rep. by Deputy General Manager (HRM)  
Office of the Assistant General Manager,  
Personnel Admn. Division,  
Central Office, Mumbai.

2.Chief Manager (P),  
Union Bank of India,  
Nodel Regional Office,  
139, Broadway, Chennai – 600 108.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records from the 1<sup>st</sup> respondent relating to the Circular dated 10.04.2014 bearing ref No. DP:PAD:149:2014 and quash the same as illegal, arbitrary, without jurisdiction, contrary to natural justice and consequently direct the



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respondents 1 and 2 to continue to grant the benefit of Leave Travel Concession / Home Travel Concession as was granted prior to the issuance of the impugned Circular.

For Petitioners : Mr.K.Srinivasamurthy  
For M/s. Row and Reddy

For Respondents : Mr.Anand Gopalan  
For M/s. Gopalan & Co.

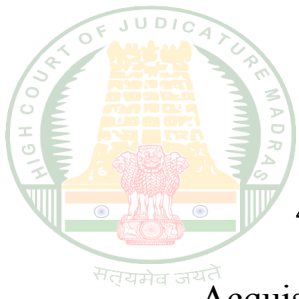
### **ORDER**

The writ on hand has been instituted, questioning the validity of the Circular issued by the 1<sup>st</sup> respondent dated 10.04.2014, withdrawing the Leave Travel Concession granted to the Officers of the Union Bank of India to travel abroad.

2. The 1<sup>st</sup> writ petitioner is the Union Bank of India Officers Association, Tamil Nadu and the 2<sup>nd</sup> writ petitioner is A.P.Venkatasubramanian.

3. The 1<sup>st</sup> writ petitioner is affiliated to the All India Union Bank Officers Federation. The Federation is affiliated to the All India Nationalised Banks' Officers' Federation. 633 Officers are working in the State of Tamil Nadu in the Union Bank of India and they are the members

<https://www.mhc.tn.gov.in/> of the 1<sup>st</sup> respondent / The Union Bank of India Officers' Association.



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4. The 1<sup>st</sup> respondent is a Nationalised Bank vide Banking Company Acquisition and Transfer of Undertaking Act, 1970. The petitioners state that in view of the demands made by the Officers and Association to extend the benefit of Leave Travel Concession to travel abroad, the respondent / Bank on 31.12.1983 communicated its decision to extend the benefit of Leave Travel Concession to travel abroad. Accordingly, the said benefit to travel abroad by availing the Leave Travel Concession is being enjoyed by the officers of the 1<sup>st</sup> respondent / The Union Bank of India. However, surprisingly through the impugned order dated 10.04.2014, the respondents have withdrawn the Foreign Travel Concession granted to the Officers of the respondent / Bank. The said decision was taken based on the Circular issued by the Government of India, Ministry of Finance and also by the Indian Bank Association.

5. The petitioners state that the impugned communication is without jurisdiction and the decision was taken unilaterally by the Bank and therefore, in violation of the principles of the natural justice.

6. The petitioners state that the respondent / Bank is an independent entity and the Board of Directors has not taken the decision independently to discontinue the Leave Travel Concession / Home Travel Concession to



travel abroad and therefore, the impugned Circular is unilateral and bad in law. The petitioners are enjoying the benefit of Leave Travel Concession to travel abroad for several years and therefore, it became a part of their service condition. Thus, the 1<sup>st</sup> respondent cannot discontinue the same without hearing the petitioners. It is contended that the 1<sup>st</sup> respondent / Bank ought to have discussed the issue with the petitioners' Association, which is a recognized Association before taking any such decision. Thus, the impugned order is liable to be set aside.

7. The learned counsel for the petitioners mainly contended that the Leave Travel Concession was granted pursuant to Regulation 44 of the Union Bank of India (Officers') Service Regulations, 1979. The benefit to travel abroad has also been granted by the 1<sup>st</sup> respondent and the said benefit is continuously being enjoyed by the Officers of the Union bank of India for several years. While so, withdrawal of the said concession unilaterally by the respondents is in violation of the principles of natural justice and the petitioners were not even heard before passing the impugned order.

8. The learned counsel appearing on behalf of the respondents objected the contentions raised on behalf of the petitioners by stating that



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the writ petition itself is not maintainable and further, the Regulation 44 of the Union Bank of India (Officers') Service Regulations, 1979, contemplates Leave Travel Concession / Home Travel Concession **“to any place in India by the shortest route.”**

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9. The Regulation do not contemplates the benefit of travel to abroad. The travel to abroad granted by way of an additional facility, which is a concession and do not have the Statutory force. Thus, such withdrawal of such concession is a policy decision taken by the 1<sup>st</sup> respondent / Bank, pursuant to the Circular issued by the Ministry of Finance, Government of India and the Indian Bank Association based on certain facts and circumstances. Therefore, the Bank need not consult the Officers' Association, their right to travel as per Regulation 44 is not taken away. Thus, they cannot be considered as aggrieved persons as far as the additional facility to travel abroad is concerned.

10. Considering the arguments as advanced by the respective learned counsel for the petitioners and the respondents to the *lis* on hand. Let us now consider the proceedings of the 1<sup>st</sup> respondent, granting the benefit of Leave Travel Concession and the additional benefit to travel abroad. Regulation 44 of the Union Bank of India (Officers') Service



Regulations, 1979 reads as under:

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**“44. Leave Travel Concession:**

(1) During each block of four years, an Officer shall be eligible for Leave Travel Concession for travel to his home town once in each block of two years. Alternatively, he may travel in one block of two years to his home town and in the other block to any place in India by the shortest route.

*On and from the effective date of this joint note dated 02.06.2005, the following provisions shall apply:-*

*(i) During each block of 4 years, an Officer shall be eligible for Leave Travel concession for travel to his place of domicile once in each block of two years. Alternatively, he may travel in one block of two years to his place of domicile and in another block of two years to any place in India by the shortest route.*

*(ii) An officer, by exercising an option anytime during a block of four years or two years, as the same may be, surrender and encash his Leave Travel Concession (other than travel to place of domicile) upon which he shall be entitled to receive an amount equivalent to 75% of the eligible fare for the class of travel by train to which he is entitled up to a distance of 4500 kms. (one way) for officer in JMGS scale I and MMGS Scale II and III and 5500kms (one way) for officers in SMG scale IV and above. An officer opting to encash his TC shall prefer the claim for himself / herself and his / her family members only once during the*



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*block / term in which such encashment is availed of. The facility of encashment of privilege leave while availing of Leave Fare Concession is also available while encashing the facility of Leave Fare Concession.*

*(iii) The mode and class by which an officer may avail of Leave Travel Concession shall be the same as the officer is normally entitled to travel on transfer and other terms and conditions subject to which the Leave Travel Concession may be availed of by an officer, shall be decided by the Board from time to time.*

*Provided that w.e.f. 1<sup>st</sup> May 2010, an officer in Junior Management Grade Scale I while availing LTC will be entitled to travel by air in the lowest fare economy class in which case the reimbursement will be the actual fare or the fare applicable to AC 1<sup>st</sup> Class fare by train for the distance travelled whichever is less. The same rules shall apply when an officer in Middle Management Grade Scale II and Middle Management Grade Scale III while availing LTC where the distance is less than 1000 kms.*

*(iv) On and from 01-06-1991 once in every 4 years when an Officer avails of Leave Travel Concession, he may be permitted to surrender and encash his privilege Leave not exceeding one month at a time. Alternatively, he may whilst travelling in one block of two years to his home town and in other block to any place in India be permitted encashment of Privilege Leave with a maximum of 15 days in each block of 30 days in one block. For the purpose of*



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*leave encashment all the emoluments payable for the month during which the availment of the Leave Travel concession commences shall be admissible.*

*Provided that an Officer at his option shall be permitted to encash one day's additional Privilege Leave for donation to the Prime Minister's Relief Fund subject to his giving a letter to the bank to that effect and authorizing the Bank to remit the amount to the Fund."*

11. The above scheme of Leave Travel Concession, which is conferred as a right through Regulation unambiguously stipulates that the officers of the bank are eligible to travel any place in India by the shortest route. The said rule has not been amended even today. The said rule is in force all long and is taken into consideration even for reimbursing the Leave Travel Concession benefits. Without amending the Regulation 44 to avail the benefit of Leave Travel Concession, the respondent / Bank issued an Office Memo dated 31.12.1983, granting the benefit to travel abroad. Such benefit was granted by way of an Office Memo and based on the representations of the Officers of the Bank. Therefore, there is no bipartite agreement between the parties. Regulation 44 for grant of Leave Travel Concession is also not amended and only by way of an Office Memo, the Bank allowed the Officers to travel abroad and by having Leave Travel Concession under Regulation 44.





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12. The Office Memo dated 31.12.1983 reads as under:

*"OFFICE MEMO*

*Ref: DP:PC :1973/83*

*From: Department of Personnel  
I.R. Section.*

*Attention : The Dy. General Manager      Date: 31<sup>st</sup> December 1983.  
1oth Pause, 1905*

*Subject: Union bank of India (Officers')  
Service Regulations, 1979-  
Leave Travel Concession.*

*Employees in the award staff are permitted LTC in accordance with the provisions of the Bipartite Settlement. As regards the officer staff there is no stipulation regarding the mileage and distance within India, once in block of 4 years as provided under the Service Regulations. Quite a number of officers desire to utilize LTC for sight-seeing tours abroad. Since we have to permit LTC to officers once in the block of 4 years, we may permit the officer employee to utilize LTC either for travel in India or for visit abroad.*

*The maximum distance which an officer can travel within India is 4,000 kms (one way). Hence the officer employee travelling out of India on LTC, he may be reimbursed the eligible fare for distance upto 4,000 kms (one way) or from the place of work to the last station on the Indian border, which ever is. However, where an officer employee does not actually touch the last station on the Indian border and if the distance that he travels from the place of work to his designation on LTC abroad i.e., more than 4,000 kms he be paid the maximum fare ment ot 4,000 kms. However, if such distance is less than 4,000 kms he be paid for such lesser kms.*

*Submitted for approval.*

*Sd/-  
Manager (Personnel)*

*Sd/-  
Manager (IR)*

*Upto 3000 K.M. to be permitteed*

*Sd/- Y.Karan  
25.01.84"*



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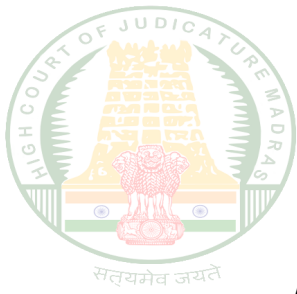
13. Reading of the Office Memo clarifies that the additional facility was extended because quite a number of Officers desire to utilise Leave Travel Concession for sightseeing tours abroad. Since the Bank permits Leave Travel Concession once in the block of 4 years, the Officers may be permitted to utilise Leave Travel Concession either for travel in India or for visit abroad. It is a mere letter, wherein, the 1<sup>st</sup> respondent / Bank have stated that the Officers may be directed to utilise Leave Travel Concession to visit abroad. The said letter has not a Statutory back-up, it is a decision taken by exercising the power of discretion of the management by providing additional facility, which is otherwise not contemplated under Regulation 44 of the Union Bank of India (Officers') Service Regulations, 1979.

14. In this backdrop, question arises:

*(i) Whether the Office Memo issued by the respondents confer any service right to the Officers of the Union Bank of India through a bipartite agreement having Statutory force or not?*

*(ii) Whether the impugned withdrawal of the additional facility to travel abroad to the officers of the Bank resulted in infringement of any right conferred under the Officers' Regulations or in violation of any other agreement expressly*

*made between the parties or not?*



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(iii) *Whether certain additional concessions or facilities provided by the employer to the employee to encourage them or by considering their request or otherwise, shall be construed as a service right or conditions of service and whether the withdrawal without providing opportunity would result in violation of principles of natural justice or not?*

15. In the case of ***Director General of Foreign Trade and Others Vs. Kanak Exports and Others*** reported in (2016) 2 SCC 226. The Hon'ble Supreme Court held as follows:

*“101. We may state, at the outset, that the incentive scheme in question, as promulgated by the Government, is in the nature of concession or incentive which is a privilege of the Central Government. It is for the Government to take the decision to grant such a privilege or not. It is also trite law that such exemptions, concessions or incentives can be withdrawn any time. All these are matters which are in the domain of policy decisions of the Government. When there is withdrawal of such incentive and it is also shown that the same was done in public interest, the Court would not tinker with these policy decisions. There is so laid down by catena of judgments of this Court and is now treated as established and well grounded principle of law. In such circumstances, even the Doctrine of Promissory Estoppel cannot be ignored.*

*104. Therefore, it cannot be denied that the Government has a right to amend, modify or even rescind a particular Scheme. It is well settled that in complex economic*



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*matters every decision is necessarily empiric and it is based on experimentation or what one may call trial and error method and therefore its validity cannot be tested on any rigid prior considerations or on the application of any straight-jacket formula . In **Balco Employees Union (regd.) Vs. Union of India and Ors.** (2000) 2 SCC 333, the Supreme Court held that Laws, including executive action relating to economic activities should be viewed with greater latitude that laws touching civil rights such as freedom of speech, religion etc., that the legislature should be allowed some play in the joints because it has to deal with complex problems which do not admit of solution through any doctrine or straitjacket formula and this is particularly true in case of legislation dealing with economic matters, where having regard to the nature of the problems greater latitude require to be allowed to the legislature. The question, however, is as to whether it can be done retrospectively, thereby taking away some right that had accrued in favour of another person?"*

The Hon'ble Supreme Court of India upheld the Government's withdrawal of concessions in the above case.

16. In the case of **H.L.Trehan and others Vs. Union of India and Others** reported in **(1989) 1 Supreme Court Cases 76**, wherein, the Hon'ble Apex Court of India made the following observations:

*"11.....It is now a well established principle of law that there can be no deprivation or curtailment of any existing right, advantage or benefit enjoyed by a government servant*



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*without complying with the rules of natural justice by giving the government servant concerned an opportunity of being heard. Any arbitrary or whimsical exercise of power prejudicially affecting the existing conditions of service of a government servant will offend against the provisions of Article 14 of the Constitution. Admittedly, the employees of CORIL were not given an opportunity of hearing or representing their case before the impugned circular was issued by the Board of Directors. The impugned circular cannot, therefore, be sustained as it offends against the rules of natural justice.”*

With reference to the judgment in the case of ***H.L.Trehan and others (cited supra)***, this Court is of the considered opinion that the general principles regarding the existing right conferred on the employees and advantage of the benefit enjoyed by the Government servants were taken into consideration by the Hon'ble Supreme Court of India. However, in the present case, a distinction is required with reference to the service conditions, or rights of the employees and also the concessions and facilities provided to such employees, which do not have statutory force in the eye of law. Thus, the principles cannot be applied in respect of the facts and circumstances of the case on hand.

17. Concessions or facilities extended by way of Administrative Instructions beyond the scope of the rules cannot be construed as an absolute right to the employees. Regulation 44 of the Union Bank of India



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(Officers') Service Regulations, 1979, contemplates Leave Travel

Concession and Leave Encashment only to “any place in India by the

shortest route”. Admittedly, the Regulation was not amended. By way of

an Administrative Instruction, the Leave Travel Concession was extended

beyond the domicile of India to travel abroad. Thus, such an

Administrative Instruction cannot have statutory force and it is an

additional facility extended without any statutory backup. The writ

petitioners have failed to establish that there is a bipartite agreement.

Contrarily, they made a submission that there was a discussion between

the office bearers of the association and the executives of the Union Bank

of India. Such discussions would not confer any statutory right, unless it is

reduced into an agreement or a settlement under the provisions of the Act

or Rules. Therefore, it is unambiguous that the officers of the Union Bank

of India are eligible to avail the benefit of Leave Travel Concession and

Leave Encashment in accordance with Regulation 44 of the Union Bank

of India (Officers') Service Regulations and any other additional benefit

granted beyond the scope of the Regulations cannot be claimed as an

absolute right. Even now, Regulation 44 remains as the same, providing

right to travel within India by the shortest route and therefore, the

Administrative Instruction / Circular, granting an additional facility by

way of discretion to travel abroad is to be construed as concession /



facility and cannot be construed as a service right, so as to enforce the same.

18. The Government of India, Ministry of Finance based on the letter addressed to Cabinet Secretary by the Chief Vigilance Commissioner had taken a decision and issued a circular dated 30.04.2014. The said letter reads as under:

*“F.No.14/04/2013-VIG  
Government of India  
Ministry of Finance  
Department of Financial Services*

.....

*dated April 30<sup>th</sup>, 2014*

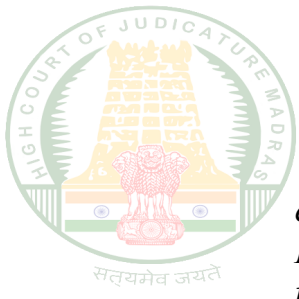
*To;  
CMDs of PSBs/FIs/PSCIs  
Chairman of IRDA/PFRDA/NABARD  
Governor, RBI*

*Chief Vigilance Officer of PSBs / Fis / PSCIs / IRDA / RBI /  
PFRDA / NABARD*

*Subject: Rules and Guidelines for Leave Travel  
Concession/Leave Travel Allowance.*

*1. Chief Vigilance Commissioner in his letter dated 08.10.2013 addressed to Cabinet Secretary, with a copy endorsed to Secretary, DFS has raised concern relating to irregularities observed in the leave travel concession/leave travel allowance (LTC/LTA) schemes prevalent in various public sector organisations including PSBs and suggested a review of the rules and guidelines for LTC/LTA in various organisations in the public sector and instruct the said organisations to take strict departmental action against the erring officials in specific cases of violation.*

<https://www.mhc.tn.gov.in/judis2>. Pursuant to the above direction of CVC, the matter was



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*examined in this Department and it was decided that PSBs/PSICs/FIs/NABARD/RBI/IRDA/PFRDA may be advised to formulate LTC/LTA schemes based on the principles of the GOI Scheme.*

*3. The LTC/LIA scheme in particular should cover following:*

*a) travel to foreign destinations, including travel via foreign destinations while availing LTC facility may not be allowed.*

*b) reimbursement of fare should be based on actual expenditure which in turn should not be beyond the entitled class of travel:*

*c) In case the officer travels in a class lower than his entitled class then his entitlement would be limited to the class of travel. If part of the journey is through a lower class then the entitlement would be proportionately reduced.*

*4. The conditions in para 3 above may be implemented with immediate effect.*

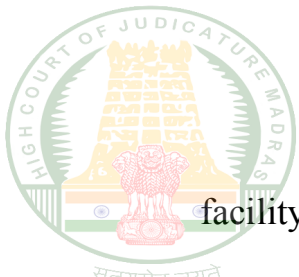
*5. The LTC/LTA scheme duly revised on above lines may be issued with prior approval of the respective Boards in a time bound manner.*

*(Mritunjay Singh)*

*Under Secretary to the Govt. of India.”*

19. When the Government of India specifically passed a memorandum that the Leave Travel Concessions to the officers of the Public Sector Undertakings and others to be restricted on par with the Government of India scheme, then there is a context and meaning with reference to certain foreign affairs and therefore, there is no infirmity in respect of the order impugned passed by the respondents in cancelling the concession extended to travel abroad under Leave Travel Concession





facility. Regulation 44 of the Union Bank of India (Officers') Service Regulations, 1979, regarding Leave Travel Concession and Leave Encashment are comprehensive and provides the procedures, definitions etc., The said Regulation alone would have the Statutory enforceability.

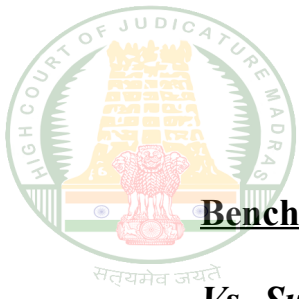
20. When the concession to travel abroad has been permitted without entering into bipartite agreement or through a Statute, question of granting an opportunity to the officers does not arise. Such an additional facility to travel abroad is a policy decision taken by the respondent / Management and such a policy has been withdrawn, taking note of the memorandum issued by the Government of India, Ministry of Finance and also based on the decision taken by the Indian Bank Association. Thus, the decision taken without providing an opportunity to the petitioners would not constitute violation of principles of natural justice nor their service rights are infringed. It is not as if every such policy is to be granted or withdrawn only after providing an opportunity to the employees. The service rights and the conditions of service alone is to be considered as an absolute right and the withdrawal of such service rights or the service conditions cannot be done unilaterally by the employer without affording opportunity to the employees. In the case on hand, the petitioners could not able to establish that the additional facility to travel abroad under the



Leave Travel Concession is a service right or condition of service. Thus, the withdrawal would not infringe the rights of the employees nor caused any prejudice and thus, this Court do not find any perversity in respect of the decision taken for withdrawal of the additional concession granted to the officers of Union Bank of India to travel abroad under Leave Travel Concession scheme. However, it is made clear that the officers are entitled to the Leave Travel Concession and Leave Encashment as contemplated under Regulation 44 of the Union Bank of India (Officers') Service Regulations, 1979.

21. Regarding the ground raised on behalf of the petitioners that the principles of natural justice has been violated, this Court is of the considered opinion that natural justice principles cannot be adopted in a straitjacket formula. The principles are to be applied with reference to the facts and circumstances of the particular case. If no prejudice is caused to the person raising the ground of principles of natural justice, then the show cause notice or an opportunity became a futile exercise and non-issuance of show cause notice would not be a ground to vitiate the entire proceedings. Therefore, there cannot be any mechanical approach by the Courts, while applying the principles of natural justice for the purpose of

<https://www.mhc.tn.gov.in/> setting aside the decisions of the authorities. Recently, the **Three Judges**



**Bench** of the Hon'ble Supreme Court of India in the case of ***State of U.P***

***Vs. Sudhir Kumar Singh and others in Civil Appeal No.3498 of 2020***

***dated 16.10.2020***, considered the scope of application of principles of natural justice with reference to the earlier judgments of the Hon'ble Supreme Court and laid down the principles as under:

*“38. Under the broad rubric of the Court not passing futile orders as the case is based on “admitted” facts, being admitted by reason of estoppel, acquiescence, non-challenge or non-denial, the following judgments of this Court are all illustrations of a breach of the audi alteram partem rule being established on the facts of the case, but with no prejudice caused to the person alleging breach of natural justice, as the case was one on admitted facts:*

*(i) Punjab and Sind Bank and Ors. v. Sakattar Singh (2001) 1 SCC 214 (see paragraphs 1, 4 and 5);*

*(ii) Karnataka SRTC and Anr. v. S.G. Kotturappa and Anr. (2005) 3 SCC 409 (see paragraph 24);*

*(iii) Viveka Nand Sethi v. Chairman, J&K Bank Ltd. and Ors. (2005) 5 SCC 337 (see paragraphs 21, 22 and 26);*

*(iv) Mohd. Sartaj and Anr. v. State of U.P. and Ors. (2006) 2 SCC 315 (see paragraph 18);*

*(v) Punjab National Bank and Ors. v. Manjeet Singh and Anr. (2006) 8 SCC 647 (see paragraphs 17 and 19);*

*(vi) Ashok Kumar Sonkar v. Union of India and Ors. (2007) 4 SCC 54 (see paragraphs 26 to 32);*

*(vii) State of Manipur and Ors. v. Y. Token Singh and Ors. (2007) 5 SCC 65 (see paragraphs 21 and 22);*

*(viii) Secretary, A.P. Social Welfare Residential*



*Educational Institutions v. Pindiga Sridhar and Ors. (2007) 13 SCC 352 (see paragraph 7)*

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*(ix) Peethani Suryanarayana and Anr. v. Repaka Venkata Ramana Kishore and Ors. (2009) 11 SCC 308 (see paragraph 18);*

*(x) Municipal Committee, Hoshiapur v. Punjab State Electricity Board and Ors. (2010) 13 SCC 216 (see paragraphs 31 to 36, and paragraphs 44 and 45);*

*(xi) Union of India and Anr. v. Raghuwar Pal Singh (2018) 15 SCC 463 (see paragraph 20).*

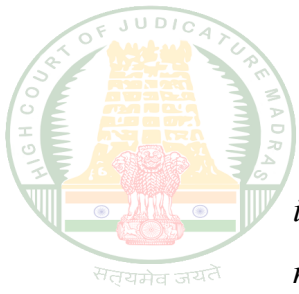
**39.** *An analysis of the aforesaid judgments thus reveals:*

*(1) Natural justice is a flexible tool in the hands of the judiciary to reach out in fit cases to remedy injustice. The breach of the audi alteram partem rule cannot by itself, without more, lead to the conclusion that prejudice is thereby caused.*

*(2) Where procedural and/or substantive provisions of law embody the principles of natural justice, their infraction per se does not lead to invalidity of the orders passed. Here again, prejudice must be caused to the litigant, except in the case of a mandatory provision of law which is conceived not only in individual interest, but also in public interest.*

*(3) No prejudice is caused to the person complaining of the breach of natural justice where such person does not dispute the case against him or it. This can happen by reason of estoppel, acquiescence, waiver and by way of non-challenge or non-denial or admission of facts, in cases in which the Court finds on facts that no real prejudice can therefore be said to have been caused to the person complaining of the breach of natural justice.*

*(4) In cases where facts can be stated to be admitted or*



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*indisputable, and only one conclusion is possible, the Court does not pass futile orders of setting aside or remand when there is, in fact, no prejudice caused. This conclusion must be drawn by the Court on an appraisal of the facts of a case, and not by the authority who denies natural justice to a person.*

*(5)The “prejudice” exception must be more than a mere apprehension or even a reasonable suspicion of a litigant. It should exist as a matter of fact, or be based upon a definite inference of likelihood of prejudice flowing from the non-observance of natural justice.”*

22. The principles laid down by the Three Judges Bench of the Hon'ble Supreme Court of India is to be followed as a precedent as the principles regarding the application of the natural justice are enumerated. Accordingly, the facts and circumstances of each case is to be considered for application of natural justice principles and thus, the principles of natural justice alone would not be a ground to quash the decisions of the authorities in all cases in a routine manner, wherever, there is no notice or opportunity has been provided to a person. The admitted facts between the parties are also play a pivotal role in forming an opinion, whether not providing an opportunity vitiates the entire proceedings or caused any prejudice.

<https://www.mhc.tn.gov.in/judis>23. The Government of India Memorandum dated 30.04.2014 states



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that the Public Sector Banks have to adopt the LTC scheme of the Government of India. The letter itself reveals that there are certain reasons and implications in respect of allowing such Bank officials to travel abroad under the LTC scheme as it relates to External Affairs of the country. The said Circular of the Government of India was implemented by the Indian Bank Association and based on the said decision, the Union Bank of India also issued the Circular, withdrawing the facility to the officers to travel abroad. Thus, the Government of India policy regarding the Leave Travel Concession to the officers of the Public Sector Banks also to be followed in the interest of public. The instructions earlier issued to facilitate the officers of the Bank to get reimbursement for foreign travel, which is not in consonance with Regulation 44 of the Union Bank of India Officers Service Regulations, 1979 cannot be therefore, construed as an absolute right conferred on the officers of the Union Bank of India nor there is a bipartite agreement or settlement exists between the parties. Thus, there is no infringement of service rights or violation of service conditions, as there is no withdrawal of benefit conferred to the officers of the Union Bank of India under Regulation 44 of the Union Bank of India Officers Service Regulations, 1979.

<https://www.mhc.tn.gov.in/judis>24. The concession and the facility extended to get reimbursement



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of the foreign travel expenses, was given by way of an additional facility through a letter and such letter was cancelled and the facility was withdrawn pursuant to the orders of the Government of India, Ministry of Finance and the Circular issued by the Indian Bank Association. The policy of the Government of India, Ministry of Finance is to be followed in the interest of public by all the Public Sector Banks, which was adopted by the Indian Bank Association.

25. This being the factum established, there is no further scope for any discussion or negotiation with the officers of the Union Bank of India as the withdrawal of such additional facility would not infringe the service rights or result in violation of service conditions of the officers of the Union Bank of India. Providing an opportunity in such circumstances is a futile exercise and furthermore, the officers of the Bank are not prejudiced nor their service rights are violated. The executive actions regarding the foreign affairs should be viewed with greater latitude and the decision being taken by the Union Bank of India is pursuant to the Government of India policy, which was adopted by Indian Bank Association.

<https://www.mhc.tn.gov.in/judis> 26. Thus, this Court do not find any perversity or infirmity in



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respect of the decision taken by the Union Bank of India based on the policy decision of the Government of India, which was adopted by the Indian Bank Association.

27. Thus, the Writ Petition is devoid of merits and stands dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

**28.06.2022**

Jeni

Index : Yes / No

Speaking order : Yes / No

To

- 1.The Deputy General Manager (HRM)  
Union Bank of India,  
Office of the Assistant General Manager,  
Personnel Admn. Division,  
Central Office, Mumbai.
- 2.The Chief Manager (P),  
Union Bank of India,  
Nodel Regional Office,  
139, Broadway, Chennai – 600 108.





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**S.M. SUBRAMANIAM, J.**

Jeni

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**28.06.2022**