

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 18TH DAY OF MARCH, 2026

PRESENT

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

AND

THE HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

REVIEW PETITION NO. 233 OF 2024

IN

WRIT PETITION NO.9353 AND 13200 OF 2020

BETWEEN:

THE GENERAL SECRETARY,
CBEU GOLDEN JUBILEE HALL OPPOSITE,
SHARADA VIDYALAYA PVS KALA KUNJ ROAD,
KODIAL BAIL, MANGALURU-575003.

...PETITIONER

(BY SRI COLIN GONSALVES, SENIOR ADVOCATE FOR
SMT R RASHMI, ADVOCATE)

AND:

THE GENERAL MANAGER CORPORATION BANK,
CORPORATION BANK EMPLOYEES UNION
(NOW KNOWN AS UNION BANK OF INDIA),
CENTRAL OFFICE MANGALORE ANNEX
MANGALADEVI TEMPLE ROAD, MANGALURU-575001.

...RESPONDENT

(BY SRI PRADEEP S SAWKAR, ADVOCATE)

THIS REVIEW PETITION IS FILED UNDER ORDER 47
RULE 1 READ WITH SECTION 114 OF THE CODE OF CIVIL
PROCEDURE, 1908 SEEKING REVIEW OF ORDER DATED
22.02.2024 PASSED IN THE WRIT PETITION NO. 9853 AND
13200 IF 2020 BY THIS HON'BLE COURT PRAYING THAT THIS
HON'BLE COURT MAY BE PLEASED TO:

(A) GRANT REVIEW AGAINST THE FINAL ORDER AND
COMMON JUDGMENT DATED 22.02.2024 PASSED BY THIS
HON'BLE HIGH COURT OF KARNATAKA AT BENGALURU IN

Digitally signed by
PRAMILA G V

Location: HIGH
COURT OF
KARNATAKA

WRIT PETITION NO. 9853/20 AND WRIT PETITION NO. 13200/2020.

(B) PASS SUCH ORDER AND FURTHER ORDERS, AS THIS HONBLE COURT MAY DEEM FIT AND PROPER IN THE CIRCUMSTANCES OF THE CASE.

(C) FOR ANY OTHER ORDER THAT THIS HON'BLE COURT MAY DEEM FIT.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 27TH FEBRUARY, 2026 AND COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD
and
HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE

CAV ORDER

(PER: HON'BLE MR. JUSTICE ANANT RAMANATH HEGDE)

The petitioner seeks a review of the order dated 22.02.2024 in Writ Petition No. 9853/2020, clubbed with Writ Petition No. 13200/2020.

2. In terms of the order under review, Writ Petition No. 9853/2020, filed by the employer (Bank), is allowed, and Writ Petition No. 13200/2020, filed by the workers' Union (Union), is dismissed. Consequently, the impugned Award dated 06.03.2020, passed by the Central Government Industrial Tribunal

(Tribunal), which directed the Bank to consider the regularization of employees empanelled for more than 10 years, is set aside.

3. The Bank filed Writ Petition No. 9853/2020 challenging the Award, which directed the consideration of regularization for empanelled employees who had completed 10 years of service.

4. The Union filed Writ Petition No. 13200/2020 impugning the Tribunal's Award and prayed for a direction to regularize the employment of all empanelled workers.

5. Certain facts that need mentioning are as follows:

5.1 The Union claims that its members were empanelled workers (sub-staff and part-time sweepers) of the Bank. The Union also claims that the said empanelled workers worked continuously for a long period under the Bank and, in terms of a bipartite agreement between

the Bank and the Union, empanelled workers engaged by the Bank are eligible to be recruited or absorbed as permanent employees after following certain agreed procedures.

5.2 According to the Union, as and when a vacancy arose in a sanctioned post, the eligible worker among those empanelled, was recruited and absorbed as a regular employee through a selection process, and such a person's earlier services were also taken into account to compute other service benefits.

5.3 However, in 2014, the Bank decided to do away with this practice. This decision ultimately led to an industrial dispute.

5.4 The Bank opposed the claim before the Tribunal on the premise that empanelled employees cannot claim regularization as they were not in regular employment and were not

working continuously. Those empanelled employees were assigned work temporarily and intermittently when regular permanent employees were unavailable due to leave or other reasons.

5.5 The Bank also contended that, in view of the law laid down in ***Secretary, State of Karnataka and Others vs. Umadevi and Others***,¹ it cannot regularize such employment, and the Government also issued a circular to this effect.

6. The Tribunal, as noticed above, allowed the claim in part, directed the Bank to consider the regularization of empanelled employees who had put in more than 10 years of service, and rejected the claims of employees who had been empanelled for less than 10 years.

¹ (2006) 4 SCC 1

7. As noticed above, both the Bank and the Union filed writ petitions challenging the Award. The Division Bench, in terms of the order under review, set aside the Award.

8. The learned Senior Counsel appearing for the Union (Review Petitioner) urged the following contentions:

8.1 The members of the petitioner Union were serving as temporary workers against sanctioned posts for more than a decade. The said workers possessed the prescribed qualifications. The said workers were empanelled by the Bank and their empanelment was through a process agreed upon in the bipartite agreement.

8.2 In terms of the agreement, as and when a permanent vacancy arose, it was agreed to recruit or absorb such empanelled employees following the agreed procedure. The selection of

an empanelled worker as a regular employee was preceded by an interview, which ensured competition and merit-based selection among the empanelled employees.

9. The ratio in ***Umadevi*** (supra) does not apply to the facts of the present case.

10. Even otherwise, the decision in ***Umadevi*** (supra), was intended to put an end to arbitrary ad-hoc appointments and ensure regular appointments as per law, providing equal opportunity to all those possessing requisite qualifications. The said judgment cannot be applied to deny regularization to empanelled industrial workers who were required to be regularized as vacancies arose per Clause 21.1.15 of the bipartite Agreement, which states: "the panels already created at branches/clusters/centers will continue till the list is exhausted."

11. The learned Senior Counsel also urged that the Court failed to consider the judgments in ***Narendra Kumar Tiwari vs. State of Jharkhand*²**, and ***Sheo Narain Nagar vs. State of Uttar Pradesh*³**, which are relevant to the issues raised.

12. The learned Counsel appearing for the respondent Bank urged the following contentions:

12.1 The scope of review under Order XLVII Rule 1 of the Code of Civil Procedure is limited, and the petitioner Union cannot seek to enlarge that scope.

12.2 The review should be confined to errors apparent on the face of the record; the contentions raised at best, can be raised in an appeal and not in a review petition.

² (2018) 8 SCC 238

³ (2018) 13 SCC 432

12.3 The Court, while passing the impugned order in the writ petitions, followed the binding precedent of the Apex Court in ***Umadevi*** (*supra*), and that view cannot be termed as an error on the face of the record.

12.4 The Court rightly set aside the award, as directing the regularization of employees empanelled for more than 10 years is contrary to the law in ***Umadevi***.

12.5 Empanelled employees were not in regular employment and did not work continuously. Their services were availed only when temporary needs arose due to the absence of regular employees.

12.6 In line with ***Umadevi*** (*supra*), workers who passed the required tests were regularized before the fixed cut-off date. Any award directing regularization beyond the said cut-off date is in direct conflict with the judgment in ***Umadevi***.

13. The learned Counsel for the respondent also relied on the following judgments:

- (i) *Sanjay Kumar Agarwal vs. State Tax Officer*⁴**
- (ii) *Kamlesh Verma vs. Mayawati and Others*⁵**
- (iii) *Shivanna D. Hulgur vs. State Bank of Mysore*⁶**

14. The Court has considered the contentions raised at the Bar and perused the records. It has also perused the order under review, as well as the Award passed by the Tribunal.

15. The judgments cited by the respondent Bank reiterate the well-established principles governing review. The scope of review is limited; the Court must consider whether the order suffers from any apparent error on the face of the record.

⁴ (2024) 2 SCC 362

⁵ (2013) 8 SCC 320

⁶ R.P No. 824/2022 in W.A No. 9/2019, High Court of Karnataka

16. Keeping these settled principles in mind, the Court has considered the order under review.

17. As noticed in paragraph No. 9 of the order under review, the Court relied on the judgment in ***Umadevi*** (supra), to set aside the Tribunal's award, holding that the Bank had regularized services before the cut-off date (six months from the date of the judgment) and that no further regularization can take place after that cut-off date.

18. The effect of the judgment in ***Umadevi***, as explained by the Apex Court in ***Narendra Kumar Tiwari*** (supra), (cited before the Court as seen from the memo dated 09.01.2024), was not considered at all.

19. From the claim statement before the Tribunal and the pleadings in the writ petition, it is the Union's contention that the selection of workers is based on the Bipartite Agreement, Bank policy, and circulars

prescribing specific criteria. The Union claims many such empanelled workers have worked for more than a decade and that regularization is a continuous process governed by the Bipartite Agreement.

20. The Union claimed that empanelled workers are working against sanctioned posts and possess the necessary qualifications.

21. The Tribunal noticed that after 16.10.2015, following a Government directive, the Bank stopped the empanelment process. However, the Tribunal held there was no impediment to regularizing workers empanelled prior to the directive issued on 16.10.2015.

22. The Union urged that, the Bipartite Agreement provides for the regularization of such empanelled workers through an agreed process as vacancies arise, even after discontinuing the process of empanelling workers.

23. It is evident that, the contentions raised in the writ petitions with reference to the bipartite agreement, the Bank's policy as reflected in the circulars, and the Rules were neither considered nor answered in the order under review. The Court proceeded to set aside the award solely on the ground that, in view of the law in ***Umadevi*** (supra), the Bank cannot regularize temporary workmen, six months after the said judgment, which was rendered in 2006.

24. In the light of the contentions, whether Bipartite Agreement, Circulars, and Rules applicable to empanelled workers, possessing the prescribed qualification, provide for regularization of employment through selection based on merit, and against sanctioned strength, and if so, does the law laid down in ***Umadevi*** prohibit the Union from claiming any such benefit for and on behalf of empanelled workers under the Rules, Bipartite

Agreement, or Circulars issued by the Bank? in addition, whether the Bank can deny the regularization of empanelled workers, if the bank has availed the services of such workers continuously even after the judgment in ***Umadevi*** are some of the questions that need consideration by the Court, and the same is not done.

25. It is also noticed that, the Union assailed the impugned Order by filing a special leave petition. The same was withdrawn with the liberty to file a review petition. The dismissal of the Special Leave Petition, without entering into the merits of the case, does not amount to a merger of the order. Thus, even without liberty, the right to file the review is not taken away. However, the question is, whether a case is made out to grant the review?

26. Since the questions raised in the writ petitions are not considered and answered in the

impugned order, the Court is of the opinion that the matter needs reconsideration.

27. Hence the following:

ORDER

- (i) The Review Petition is ***allowed-in-part***.
- (ii) The Order dated 22.02.2024 in Writ Petition No.9853/2020 and Writ Petition No. 13200/2020 is set aside.
- (iii) Writ Petition No. 9853/2020 and Writ Petition No. 13200/2020 be placed before the Court having roster for consideration on merits.
- (iv) All contentions are kept open and we have not expressed anything on the merits of the contentions of both parties.

**Sd/-
(B M SHYAM PRASAD)
JUDGE**

**Sd/-
(ANANT RAMANATH HEGDE)
JUDGE**