

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9507 of 2014

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Lokesh Narayan son of Shri Saroj Kumar Singh Resident of Village -
Taripar, P.O. - Bikram, P.S. Bikram, District - Patna.

.... Petitioner/s

Versus

1. The Punjab National Bank , through the Chairman cum Managing Director Head Office - 7, Bhikaji Cama Palace, Africa Avenue, New Delhi.
2. The General Manager, H.R.D.D., Punjab National Bank, Head Office - 7, Bhikaji Cama Palace, Africa Avenue, New Delhi.
3. The Field General Manager (Appellate Authority) Punjab National Bank, F.G.M. Office, R.Block Circle, Patna.
4. The Assistant General Manager, (Disciplinary Authority) Punjab National Bank, R.Block, Circle Office, Patna.
5. The Union of India.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Nivedita Nirvikar, AdvMr. Ratanakar
Jha, Adv
For the U.O.I. : Mrs. Kanak Verma, C.G.C.
For the P.N.B : Mr. Rajnandan, Adv.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

4 20-05-2015 Heard learned counsel for the parties.

Learned counsel for the Government of India has
produced a copy of the order of Ministry of Labour and
the Government of India dated 19.04.2012, which reads
as follows:-

“ORDER

No. L-12011/32/2011(IR(B-II): WHEREAS the Central Government is of the opinion that an industrial dispute exists between the employers in relation to the management of Punjab National Bank, and their workmen in respect of the matters specified in the Schedule hereto annexed.

AND WHEREAS the Central Government considers it desirable to refer the said dispute to adjudication:

NOW THEREFORE, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby refers the said dispute

for adjudication to the Cent. Govt. Indust. Tribunal-cum-Labour Court-2, Dhanbad. The said Tribunal shall give its award within a period of three months.

The Schedule

Whether the action of the management of Punjab National Bank, Patna Circle in awarding punishment of bringing down to lower stage in the scale of pay by two stages upon S/Sh. J.D. Mishra and Lokesh Narayan vide order dated 31.12.2008 is legal and justified? What relief the concerned workmen are entitled to?

From the reading of the aforesaid order, the hunch of this Court, as recorded in the order dated 02.04.2015 has been completely confirmed. This Court in fact was of the view that such dispute between the petitioner a workman and the Punjab National Bank, the employer (management) was only capable of being thrashed before the competent Labour Court.

Now, that when this Court has been apprised of pendency of reference case involving this very issue of the petitioner as raised in this writ application, there would be no difficulty in holding that this writ application is both premature and not maintainable.

Mrs. Nivedita Nirvikar, learned counsel for the petitioner has also not questioned the correctness of the aforementioned order of referring the matter to the

Labour Court in terms of Section-10 of the Industrial Disputes Act but what now she wants to make a grievance is that in the order of reference dated 19.04.2012, a time limit was also given to the Labour Court to answer the reference within a period of three months and that has not been done as yet.

This Court is not at all aware as to the present stage of the reference case or as to whether petitioner or his union has already filed its written statement.

Be that as it may while this Court must hold the present writ application to be not maintainable, in view of the pendency of reference case, it would deem it expedient in the ends of justice to direct the Labour Court to expedite the matter and give its award as early as possible but not later then six months from the date of receipt of this order.

(Mihir Kumar Jha, J)

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