

THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

AND

THE HON'BLE MRS. JUSTICE ANIS

CONTEMPT CASES No. 1835, 1836 AND 1837 OF 2015

COMMON ORDER: *(per Hon'ble Sri Justice Nooty Ramamohana Rao)*

These three Contempt Cases are heard together, as they arise in identical fact situation.

When the Writ Petitions have been preferred by the State Bank of Hyderabad, the employer, against the common Award passed by the Central Government Industrial Tribunal-cum-Labour Court at Hyderabad in various Industrial Disputes raised by the respective workman, who are all engaged by the Bank as casual labour, those Writ Petitions were decided by a learned Single Judge upholding the Award. Then the Bank carried the matter by way of several appeals, such as Writ Appeal No. 448 of 2015 and batch. While entertaining the said batch of Writ Appeals and admitting them, a Division Bench passed an interlocutory order on 09.06.2015 granting liberty to the appellants either to reinstate the respective workman into service or to comply with the requirement of Section 17-B of the Industrial Disputes Act, 1947, in case reinstatement is resisted. Now, the Bank has exercised its option and offered the last drawn wages and preferred, thus, to comply with the provisions of Section 17-B of the 1947 Act. This, according to Sri Vanam Viswanatham, learned counsel for the petitioners, is contemptuous on the part of the appellants.

Learned counsel for the petitioners herein would contend that the first option, which is liable to be utilized is reinstatement. In fact, the Bank was, at one stage, too willing to reinstate the workman concerned, but now, without any reason, much less a valid one, they are complying with the requirement of payment of wages last drawn, which is a meager amount of approximately Rs.6,800/-. This, according to the learned counsel for the petitioners in these Contempt Cases, is a arm-twisting tactic, which the appellant Bank should not have adopted.

We are afraid that we cannot admit these Contempt Cases, for, the Bank had exercised its option. It is for the Bank to take a decision as to whether the respective workman should be reengaged by the Bank or instead, prefer to make them sit at home and pay the last drawn wages. In view of the option exercised by the Bank, as

indicated by producing the necessary copies by Sri E. Madan Mohan Rao, learned Standing Counsel, we cannot hold the respondent Bank in these Contempt Cases to have committed any act of willful disobedience of the orders passed by this Court in Writ Appeals for us to proceed any further in these Contempt Cases.

Accordingly, all these Contempt Cases stand dismissed.

However, it shall be open to the workman concerned to impress upon the Bank that the interests of the Bank would be better served by reengaging them instead of making them pay idle wages and it is for the Bank to take an appropriate decision in the matter.

NOOTY RAMAMOHANA RAO, J

ANIS, J

09th October 2015

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