

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 27.11.2015

+ **W.P.(C) 1605/2015 & CM No.2861/2015**

INDIAN OVERSEAS BANK

..... Petitioner

Through

Mr. Jagat Arora, Advocate

versus

ALL INDIA BANK DEPOSIT COLLECTORS FEDERATION & ANR.

..... Respondent

Through

Mr. Inderjeet Singh, Advocate for R-1

+ **W.P.(C) 9050/2015 & CM No. 20466/2015**

UNITED BANK OF INDIA

..... Petitioner

Through

Mr. Jagat Arora, Advocate

versus

ALL INDIA BANK DEPOSIT COLLECTORS FEDERATION AND ANR.

..... Respondent

Through

Mr. Inderjeet Singh, Advocate for R-1

CORAM:

HON'BLE MS. JUSTICE SUNITA GUPTA

J U D G M E N T

: SUNITA GUPTA, J. (ORAL)

1. Challenge in the aforesaid writ petitions filed by the petitioners under Article 226/227 of the Constitution of India is to the award dated 7th October, 2013 passed by the Industrial Tribunal-1, Karkardooma Courts, Delhi. As such, both the petitions are taken up together for final disposal.

2. The factual matrix of the case which resulted in passing of the aforesaid award succinctly stated is as under:

The petitioners are nationalized bank and are member of Indian Bank Association. The various nationalized banks floated scheme known by various names such as Mini Deposit Collection Scheme, Janta Deposit Scheme, Pigmy Deposit Scheme, Choti Budget Scheme etc. The primary objective of this

scheme was to reach to the common man in the village and other diversified areas where the reach of the banks was not there to the common man and the banking system had not so developed in the country. The primary objective of the scheme was to inculcate the habit of saving in the common man. The role assigned to the deposit collectors was to visit various people even in remote and rural areas. Over a period of time, these mini deposit collectors organized themselves into a union and had approached the learned Tribunal, Hyderabad with regard to their service conditions. The Tribunal, Hyderabad passed an award dated 22nd December, 1988 according status of a workman to the daily deposit collectors and they were held entitled to a minimum fall back wages and conveyance allowance. Aggrieved by the award, the Indian Bank Association filed a writ petition before the High Court of Andhra Pradesh which was disposed of on March 28, 1997 upholding the award in so far it accorded status of workman to Deposit Collectors, High Court set aside the direction in the award concerning regular absorption of the Deposit Collectors who were below the age of 45 years if they possessed the educational qualification prescribed in the award. Direction regarding fall back wages and conveyance allowance was upheld. Special leave to appeal filed before Hon'ble Supreme Court was dismissed.

3. The daily Deposit Collectors again raised a dispute which was referred to the Industrial Tribunal on 6th August, 2003 with the following terms of reference:-

“Whether the demand of All India ‘Banks Deposit Collectors’ Federation for linkage of full back wages of Rs.750.00 as determined by award dated 22.12.1988 by Industrial Tribunal, Hyderabad, which is based on Consumer Price Index at 500 points (Base 1960=100) to the present Consumer Price Index and their upward revision is justified? Whether the demand of All India Banks Deposit Collectors’ Federation for reimbursement of conveyance expenses at revised and enhanced rate is justified? If so, what relief the said deposit collectors, employed by various banks’ represented by the Indian Banks’ Association are entitled to and from which date?”

4. Thereafter, the impugned award dated 7th October, 2013 was passed by the Tribunal. An application for correction of error in the award was moved which was allowed on 2nd June, 2014. Feeling aggrieved, writ petition No.6116/2014 was filed by the Indian Banks' Association which was disposed of by this Court with liberty to the individual banks to approach the Courts. Thereafter various writ petitions were filed by the individual bank against the same award which were disposed of vide judgment dated 20th April, 2015 whereby the award dated 7th October, 2013 was upheld except the gratuity part which was set aside, however, liberty was granted to the respondent to claim gratuity, if they are entitled, under payment of Gratuity Act, 1972 before the appropriate forum.

5. Challenging the order, LPAs were filed by the individual banks. Learned counsel for petitioner has placed on record copy of the judgment passed by the Division Bench which reveals that vide common judgment dated 5th October, 2015, the appeals were disposed of by modifying the impugned award dated 7th October, 2013, in that, the award was made prospective in its operation. Rest of the award as modified by the Single Judge was upheld.

6. Learned counsel for both the parties submits that the present writ petitions are squarely covered by this decision of the Division Bench of this Court and the writ petition be accordingly disposed of.

7. Keeping in view the fact that the award under challenge in these writ petitions was the subject matter of the writ petitions filed by other banks and now the matter has been finally decided by the Division Bench of this Court, following the same, the writ petitions are disposed of by modifying the impugned award dated 7th October, 2013 to the extent that the award will be prospective in its operation. However, as regards gratuity, same is set aside granting liberty to the

respondents to claim gratuity under the payment of Gratuity Act, 1972, if they are entitled, before the appropriate forum.

The writ petitions stand disposed of accordingly.

Pending applications also stand disposed of.

(SUNITA GUPTA)
JUDGE

NOVEMBER 27, 2015
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