

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1989 of 2015

IN

Civil Writ Jurisdiction Case No. 8040 of 1998

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The UCO Bank, through it's the Zonal Manager, UCO Bank having its office at Moriyalok Complex Block No. A, 4th Floor, Dakbangala, P.S. Kotwali, Dist. Patna.

.... Appellant/s

Versus

1. The Presiding officer Industrial Tribunal Patna at Beli Road, P.S. Kotwali, Town and Dist. Patna.
2. The State Secretary, UCO Bank Employee Association, Exhibition Road, P.S. Gandhimaidan, Town & Dist. Patna.
3. Prakash Ram, S/o Mahadev Ram, Resident of village Dharma, P.O. Ichak Bazar, P.S. Ichak, Dist. Hazaribaj, Jharkhand.
4. The Union of India, through its Secretary, Ministry of Labour, Govt. of India, New Delhi.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjeet Kumar Pandey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

And

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 28-01-2017

Delay of 71 days is condoned.

I. A. No. 8810 of 2015 is allowed.

With concurrent finding of facts, both by the Tribunal as well as the Learned Single Judge, where challenge was thrown to the Award given by the Labour Court, no illegality is emerging from the pleading or the impugned order, dated 13.03.2015, passed by the Learned Single Judge in C. W. J. C. No. 8040 of 1998.

The Learned Single Judge has rightly given a direction



that if any junior to Respondent No. 3 has been absorbed then there is an obligation upon the bank to absorb him as well. However, it is also made clear that if there are certain seniors waiting for absorption then private-respondent would not be given a leeway by jumping the queue. The Award, dated 27.03.1998 has been affirmed.

As, it is more than two decades have almost gone past in litigation for regularization of a class-iv employee, who was hired by the Manager of the bank, which is not a subject matter of dispute. The order, being fair and equitable, is not required to be interfered with.

The appeal is dismissed, being devoid of merit.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
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