

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5634 of 2009

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1. Uttar Bihar Gramin Bank Employees Association through it's General Secretary namely Shailesh Kumar Pandey, son of Dr. Devdutta Pandey, resident of Village Nidhi Chowk, Ganga Sagar Bhouara, P.S. Madhubani Sadar, District Madhubani
 2. Bipatti Rai, son of late Raghu rai, resident of Village Ganga Sagar, P.S. Madhubani, Town and District-Madhubani
 3. Jagarnath Rai, son of late Babulal Rai, resident of Village Ramganj Ward No.2 P.S. Madhubani Town, District Madhubani
 4. Ramesh Prasad Singh, son of late Shayam Nandan Pd. Singh, resident of Village Kamai, P.S. Bhawanipur, District Purnia
 5. Md. Alauddin, son of Md. Nasiruddin, resident of Village Bhouara, P.S. Madhubani Town District Madhubani.

.... Petitioner/s

Versus

1. Union of India through it's Secretary Ministry of Finance (Bank Division) New Delhi
2. The Chairman, National Agricultural & Rural Development Institutional Development Department, Regional Rural & Commercial Banks Division Garment House 3rd Floor, Dr. Annis Besant Road, Worli, Mumbai-400018
3. The Chairman Central Bank of India, Chandra Mukhi Nariman Point Mumbai
4. The Chairman Uttar Bihar Gramin Bank, Muza fapur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No.3

For the Respondent/s : Mr. Rajeev Ranjan Prasad

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 07-03-2018

In the present case, the petitioners are seeking relief for regularization of services of Sweepers-cum-Messengers in the Bank with effect from the date of their initial engagement.

In the present case no counter affidavit has been filed on behalf of the Bank, Neither the petitioner nor learned counsel for the Bank is present to participate in the proceeding.

From the facts mentioned in the writ petition it appears that



with similar facts, different Association of Regional Rural Bank have approached the Hon'ble Supreme Court vide W.P. No.7149-50 of 1982 and 132 of 1984 where plea was parity of pay with employees and Officers of sponsoring Bank there both parties such as Union of India and Management agreed to resolve the dispute through adjudication by the National Industrial Tribunal and accordingly on the direction of the Hon'ble Supreme Court the Union of India vide notification no. F10(21)/87 RRB dated 26.11.1987 constituted a National Industrial Tribunal headed by retired Chief Justice of Andhra Pradesh High Court with point of reference equation of pay of employees of Gramin Bank vis-a-vis corresponding employees of sponsoring nationalized Bank. Later on the Association of the Sweepers-cum- Messengers also approached to the Hon'ble Supreme Court under Article 32 of the Constitution of India seeking direction, inter alia, with regard to regularization of their services from the date of their initial engagement either in part time or full time as Sweepers-cum-Messengers in the said Bank and also for payment of salary at par with regular employees of the nationalized sponsored Bank. Hon'ble Supreme Court referred the matter to National Industrial Tribunal, after considering the materials produced by all concerned parties gave



its award dated 30.4.1990 the Tribunal dealt with the issue of regularization, pay scale and other allowances in para 4.358, 4.405, 4.410 and 4.425 held that services of Sweepers-cum-Messengers shall be regularized from the date of their continuous engagement. The Tribunal has specifically held that the Officers and the employees of RRB are entitled to parity with the officers and others employees of the sponsorer Banks in the matter of pay scales, allowances and other benefits with effect from 1.9.1987, whereafter the Central Government constituted a Equation Committee under the Chairmanship of P.Kotaiya on 5.10.1990 to do exercise the issue pertaining to their equation of posts in RRB and sponsor Bank and consequential fixation of pay, allowances and other benefits. The Equation Committee report has also submitted its report to the Central Government and the Central Government vide its order dated 22.2.1991 accepted the award of the NIT and recommendation of the report of Equation Committee.

The Association of Gramin Bank Employees has moved this Court vide C.W.J.C. No. 7948 of 2005 wherein it has been recorded that the Regional Rural Banks has been merged with creation of new identity. The constitution of management on account of merger has undergone a drastic change. In view of



this development this Court directed the petitioner Association to approach to respective Management for raising their grievances by way of filing representation in this regard. If representation is filed then the respondent authority will examine their claim in the light of NIT award.

It appears that the representation has been filed before the authority concerned but no decision has been taken on the representation filed by the Association.

In such view of the matter, the Management of Uttar Bihar Gramine Bank is directed to consider the representation of the petitioner in the light of the award passed by NIT which has been accepted by the Central Government as well as all Banks, in such circumstances, should carry out the award which has been passed in favour of these employees.

With the aforesaid observation and direction this writ petition is disposed.

Vinay/-

(Shivaji Pandey, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.3.2018
Transmission Date	NA

