

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPEAL NO. 155/2004

The State,
represented through
Labour Enforcement Officer (Central),
Babupeth, Chandrapur (M.S.)

.... **APPELLANT**

// **VERSUS** //

- 1] Shri S.B. Deshmukh,
Chief Regional Manager,
State Bank of India,
Kings-way, Nagpur
- 2] Shri Y.S. Aurangabadkar,
Regional Manager, Region-I,
Kings-way, Nagpur
- 3] The State of Maharashtra

.... **RESPONDENT(S)**

Ms. N. Chaubey, Adv h/f Ms. A.A. Joshi, Adv for the appellant
Shri A. Kumar, Advocate for the respondent nos. 1 and 2

CORAM : Z.A.HAQ, J.
DATED : 04/10/2018

ORAL JUDGMENT :

- 1] Heard.
- 2] This appeal is filed by the State represented through the Labour Enforcement Officer (Central) to challenge the judgment passed by the

learned Judicial Magistrate First Class dismissing the complaint filed on behalf of the State and acquitting the respondent nos. 1 and 2 of the charge of commission of the offence punishable under Section 29 of the Industrial Disputes Act.

3] Though various submissions are made on behalf of the appellant as well as the respondent nos. 1 and 2, it is relevant to note that the respondent nos. 1 and 2 were prosecuted on the ground that they failed to implement the Term No. 3 of the settlement which was arrived at before the Assistant Labour Commissioner (Central) between the members of the State Bank Workers' Organization, Nagpur and Shri V.H. Kolte, the Officer-in-Charge, Staff Cell and Shri S. D. Chitre, the Officer-in-Charge, Staff Cell, taking over, on 15/10/1982. As per the terms of settlement, it was agreed that Shri P. L. Yerewar, whose services were terminated and because of which dispute between the parties arose, was to be reinstated with full backwages. The Term No. 3 of the settlement was to the effect that the management would reinstate all such employees who had completed 240 days service in a calender year. According to the management, when the terms of settlement were sent to the Head Office of the State Bank of India, immediately on 19/10/1982, the management of the State Bank of India informed the Assistant Labour Commissioner (Central) that the management was not agreeable for the settlement. The management informed the Assistant Labour Commissioner (Central) that they were not recognizing the State Bank

Workers' Organization as per their code of discipline and there were no negotiations with that organization. The management further stated that the dispute was in respect of termination of Shri P. L. Yerewar and the scope of conciliation and the proceedings before the Assistant Labour Commissioner (Central) could not have been widened.

4] The learned Magistrate has dismissed the complaint recording that proceedings are initiated against the accused after the prescribed period of limitation.

5] Be that as it may, considering the facts of the case, it cannot be said that acquittal of the respondent nos. 1 and 2 is not proper. I see no reason to interfere with the impugned judgment.

6] The appeal is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE

Ansari