

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16149 of 2015

State Bank of India through its Asstt. General Manager (Region-III), Regional Business Office, Chapra Bazaar Building, First Floor, Sahebganj, Chapra.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Labour, Government of India, New Delhi
2. Arun Kumar Prasad Son of Sri Dwarika Prasad resident of Mohalla - Nabiganj, P.S. - Bhagwan Bazar, Chhapra, District - Chapra.
3. R.K. Saran, Presiding Officer, Central Government Industrial Tribunal No. 1, DGMS Building, Dhanbad 826001, present address:- Mr. R.K. Saran, Retired Judge, CGIT-I, Dhanbad, resident of Hirapur, Dhanbad-826001

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Binod Bihari Sinha Mr. Ajay Dutt Mishra Mr. Amarjeet Chandra
For the Respondent/s	:	Mr.S.D Sanjay Addl. Soc. Gen. Mr. Rajesh Kumar Verma, CGC Mr. Gyan Prakash

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

9 26-02-2019 Heard learned counsel for the petitioner and learned counsel for the State.

2. In this case, the petitioner is challenging the Award dated 27.02.2015 passed in Reference No. 185 of 2000 whereby and whereunder the Tribunal has passed the Award thereby given direction for regularisation in service.

3. The respondent no. 2 approached this Court earlier in C.W.J.C. No. 5599 of 1997 for regularisation of service, which was denied and whereafter he was terminated from service led to Reference in exercise of power under Section 10



(2A) of the Industrial Disputes Act. The term and reference is as follows:-

“Whether the action of the management of State Bank of India, Patna in terminating the service of the workman on 1st October, 1983 and not considering him for re-employment before appointing fresh hands like Sri Ram Chandra Bhagat, Sri Randir Kumar, Sri Rajesh Kumar Mahto, Sri Arun Kumar Patel, Sri Sudama Prasad, Sri Bhuneshwar Kumar, Sri Ganesh Thakur and Sri Ram Swarup Rai is justified. If not, to what relief the workman is entitled?”

4. The Tribunal has not dealt with the case on its merit but in a cryptic manner he has mentioned about the examination of DW-1 and two witnesses have been examined on behalf of the management but nowhere he has framed the issue nor discussed the evidence anywhere nor any finding of illegal termination has been recorded rather he has made an uncharitable remarks about the order passed by this Court, inasmuch as without declaration, the termination is illegal, he has straightway directed for regularization. Regularization can happen only after the declaration of termination to be illegal, but instead of dealing with that aspect of termination, cryptic Award has been passed in favour of the workman. The manner the



Award has been passed, cannot be approved by this Court, accordingly the same is set aside and the matter is remanded back to the Central Government Industrial Tribunal-I, Dhanbad for deciding the case on the materials available on record within a period of four months from the date of receipt/production of a copy of this order, subject to availability of the Presiding Officer.

5. Accordingly, this petition is allowed to the aforesaid extent.

(Shivaji Pandey, J)

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