

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10083 of 2019

State Bank of India Canteen Karmchari Sangh Patna Circle through its President, Pramod Jha, aged about 43 years (Male), S/o- Sri Duryodhan Jha, R/o Village- Athlakha Belhi, Ward No. 4, P.O.- Simariya, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Labour, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Labour, Govt. of Bihar, Patna.
3. The Labour Commissioner, Govt. of Bihar, Patna.
4. The Chairman, Welfare Committee, State Bank of India, Corporate Office, Mumbai.
5. The Chairman, Circle Welfare Committee, State Bank of India, Local Head Office, West Gandhi Maidan, Patna.
6. The Secretary, Circle Welfare Committee, State Bank of India, Local Head Office, West Gandhi Maidan, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Kanchan Kumar Singh, Advocate
For the Respondent/s	:	Mr. Ravi Ranjan, (AC to SC 22)
For the SBI	:	Mr. Sanjiv Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 14-11-2022

Heard Mr. Kanchan Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Sanjiv Kumar, learned counsel on behalf of the State Bank of India as well as Mr. Ravi Ranjan, learned AC to SC 22.

2. The petitioner is an association of the Canteen employees of the State Bank of India, filed the present writ application, seeking a direction upon the respondent authorities,



including the Labour Commissioner, Government of Bihar, Patna to ensure payment of arrears of minimum wages along with current minimum wages of the Canteen boys with effect from the date of their appointment as Canteen boys on the rate fixed by the Government of Bihar.

3. Learned counsel for the petitioner drawn the attention of this Court towards Annexure 3, whereby, in compliance of the Order of this Court passed in CWJC No. 22511 of 2011, the case of the petitioners and the bank was duly considered by the Labour Commissioner, Bihar and Order as contained in Memo No. 1266 dated 29.04.2013 has been passed, holding the members of the association entitled for the minimum wages. It was made clear that the wages shall be paid by the Local Implementation Committees of respective branch. He further drawn the attention of this Court that in identical matter, the co-ordinate Bench of this Court vide order dated 13.09.2013 in CWJC No. 12947 of 2013 (Annexure 4), directed the Labour Commissioner, Patna to take steps in accordance with law for implementation of his Order.

4. On the other hand, learned counsel for the State Bank of India submitted that the employees of the Canteen, which are run at various branches by the Local Implementation Committee, as per the welfare scheme framed by the State Bank of India would



not become employees of the bank, as the bank is not having any statutory or contractual obligation or obligation arising under the award to run such canteen and for the aforesaid averments, he relies upon the judgment rendered by the Apex Court in the case of State Bank of India and Ors. Vs. State Bank of India Canteen Employees Union (Bengal Circle) and Ors., since reported in (2000) 5 SCC 531. He also submitted that in the entire writ application, nowhere, disclosed the name of the Canteen boys, who are not getting payment and the minimum wages nor does the petitioner disclosed the name of the Branch/Office of the respondent Bank, where minimum wages are not being paid to the Canteen Boys, as per their claim.

5. Be that as it may, having considered the submissions made on behalf of the parties, the writ application is disposed of, with a direction to the petitioner to approach before the Labour Commissioner, Government of Bihar, Patna (Respondent No.3). In case a representation is filed by the petitioner, disclosing the name of the employees and their respective Branch, he would be under obligation to pass necessary Order in accordance with law.

6. The aforesaid exercise must be completed within a period of three months.



7. Accordingly, the present writ application stands disposed of.

(Harish Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.11.2022.
Transmission Date	NA

