

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C). No.27732 of 2011

Sri Lingaraj Mohanty ***Petitioner***
Mr. Ramanath Acharya, Advocate

-versus-

The Chief Manager, State Bank of India, Main Branch, Puri ***Opp. Party***
Mr. P.V.Bala Krishna, Advocate for the Bank

W.P.(C) No.16565 of 2011

The Chief Manager, State Bank of India, Main Branch, Puri ***Petitioner***
Mr. P.V.Bala Krishna, Advocate for the Bank

-versus-

Sri Lingaraj Mohanty ***Opp. Party***
Mr. Ramanath Acharya, Advocate

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAİK**

Order No.

**ORDER
09.05.2022**

- 04.
1. Both these petitions - one by the management i.e. W.P.(C) No.16565 of 2011, and the other by the workman being W.P.(C). No.27732 of 2011 - are directed against the same impugned award dated 29th December, 2010 passed by the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar (CGIT) in I.D. Case No. 10 of 2005.
 2. A dispute referred for adjudication reads as under:

“Whether the claim of Shri Lingaraj Mohanty that he was engaged by the

Management of State Bank of India in relation to their Puri Main Branch during the year from 1982-2003 is correct? If so, whether the action of the Management in terminating him from service without following Section-25 of the Industrial Dispute Act, 1947 is legal and justified? If not, what relief is the disputant entitled to?"

3. The CGIT came to the conclusion that the workman was liable to be reinstated "in some casual or temporary vacancies now existing or likely to arise in near future' and also held entitled to receive a sum of Rs. 30,000/- as compensation for the illegal termination of services by the management.

4. When the management's petition was listed before the Court first on 18th August, 2011 when an interim order was passed staying the impugned award of the CGIT subject to compliance with Section 17-B of the Industrial Disputes Act, 1947 ('Act').

5. Subsequently, at the instance of the management in Misc. Case No. 15929 of 2011 this Court passed an order on 9th February, 2012 modifying the earlier order dated 18th August, 2011 to the extent of directing the Bank to pay the workman Rs. 3,000/- per month under Section 17-B of the Act.

6. The workman filed two Misc. Cases i.e. Misc. Case No. 3163 of 2015 and Misc. Case No. 1847 of 2018 praying that under Section 17-B of the Act, the Petitioner was entitled to minimum wages and therefore, the amount stipulated in the order dated 9th February, 2012 must be modified accordingly.

However, admittedly, no orders were passed in the said applications.

7. The management is filed Misc. Case No. 19625 of 2017 claiming that in compliance with the Court's modified order the full amount of Section 17-B wages have already been paid.

8. At this point in time, it is not possible for the Court to confirm whether the claim of the management in this regard is correct or not. However, the fact remains that the grievance of the Petitioner is only about not receiving the minimum wage under Section 17-B of the Act and not that he has not received any wages whatsoever. The difficulty with the prayer made by the Petitioner in Misc. Case No. 3163 of 2015 and 18471 of 2017 is that it has been filed after the modification of the order dated 18th August, 2011 by the subsequent order dated 9th February, 2012 by this Court reducing the amount of wages to Rs. 3000/- per month. If the Petitioner was aggrieved by the said order, he should have challenged it. However, he did not. Consequently, the Court is not persuaded that by paying him Rs. 3,000/- per month in terms of the said interim order dated 9th February, 2012 the management has acted illegally or in violation of any order of the Court.

9. Meanwhile, the workman has reached the age of superannuation and therefore, the relief of reinstatement of service is not possible to be executed at this stage.

10. As regards the compensation amount the Court is of the view that considering that the Petitioner had put in 20 years' of service and has since attained the age of superannuation,

and he cannot be reinstated, the compensation amount ought to be enhanced. Accordingly, it is directed that the management shall pay the workman enhanced compensation of another sum of Rs. 50,000/- within four weeks.

11. The writ petitions are disposed of in the above terms.

(Dr. S. Muralidhar)
Chief Justice

(R.K.Pattanaik)
Judge

