

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) No.5149 of 2003**

***Management of Indian Bank***

***Petitioner***  
....  
Mr. K. Patnaik, Advocate

***-versus-***

***Workman Shri Sukanta Nayak and  
another***

.... ***Opposite Parties***

None

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

**ORDER  
09.02.2022**

**Order No.**

06. 1. Indian Bank, a Public Sector Bank, is before this Court assailing an Award dated 23<sup>rd</sup> September 2002 passed by the by the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar ('Tribunal') in Industrial Dispute Case No.391/2001 whereby the Opposite Party No.1 workman, a part-time sweeper working with it, has been asked to be paid, after more than two decades of service, an enhanced pay of Rs.440/- a month from 1<sup>st</sup> January 1994 under the 6<sup>th</sup> bipartite settlement and Rs.740/- a month from 1<sup>st</sup> July 2000 under the 7<sup>th</sup> bipartite settlement arrived by the Bank with its worker unions.
2. By an interim order dated 30<sup>th</sup> May, 2003 this Court stayed the operation of the said Award. That interim order has continued since. As a result, for nearly two decades now, the Workman has not been able to get the benefit of the Award which enhances his already meagre monthly pay of Rs.175/- to Rs.440/- for a period of six years and then to Rs.740/- from 2000 onwards.

3. To the credit of Mr. K. Patnaik, learned counsel for the Petitioner-Bank, it must be stated that he fought tooth and nail before this Court to attack the Award to persuade this Court to set it aside. He questioned the jurisdiction of the Tribunal to direct enhancement of wages of the Opposite Party-Workman from Rs.175/- per month to Rs.440/- per month from 1<sup>st</sup> January 1994 and again from up to Rs.740/- per month from 1<sup>st</sup> July 2000 under the 6<sup>th</sup> and 7<sup>th</sup> bipartite settlement respectively. He then questioned the finding that the workman was entitled to such enhancement by urging that he was merely cleaning the toilets in the Puri Branch of the Bank for ten or 15 minutes a day. Despite requests of the Court, Mr. Patnaik was unwilling to point out what part of the reasoning of the impugned Award was erroneous. Nevertheless, the Court has carefully perused the Award.

4. One of the terms of reference which the Tribunal had to adjudicate was whether the workman was entitled to the benefit of the bipartite settlements. The categorical finding of the Tribunal was that he was so entitled. The Tribunal referred to a letter (Ext.3) written by the Zonal Office of the Bank to its Puri Branch, in which it was stated that the workman as a part-time 'scavenger' was entitled to get Rs. 100 per month if he was required to work for more than 3 hours but less than 6 hours in a week. This rate, the Tribunal noted, tallied with the rate payable under the 4<sup>th</sup> bipartite settlement which also applied to part-time employees. The Tribunal accordingly negated the submission of the Bank that the workman's services were utilised only for 10 minutes in a day. It noted that at the time of arguments, the

workman was receiving a monthly pay of Rs. 175 which had been fixed under the 5<sup>th</sup> bipartite settlement. In other words, his earlier pay of Rs.60/- per month had been progressively enhanced to Rs.175/- per month in terms of the earlier bipartite settlements. Logically therefore he would be entitled to the further revisions under the 6<sup>th</sup> and 7<sup>th</sup> Bipartite settlements. These were the findings on fact by the Tribunal on appreciating the evidence led before it by the parties. This Court is unable to find any legal error in the findings.

5. The injustice of the case is writ large when one considers that the wages ordered to be paid by the Tribunal are still far too meagre when compared to the minimum wages payable per day under the Minimum Wages Act, 1948 for unskilled workmen applicable to the town of Puri where the Bank branch in which the Workman was employed is located.

6. The nature of the work performed by the Workman also merits sober reflection. He was performing sanitation work which included manually cleaning the toilets of the Bank Branch. What disturbs the judicial conscience is that a Public Sector Bank finds it difficult to pay a part-time sweeper, working for it continuously for over two decades, and covered by the bipartite settlements, even Rs. 15/- per day for performing the work of a part-time sweeper or, as the Bank would term him a 'Scavenger'. Given the nature of the work performed by the Workman, it is plain that the Bank does not value much the arduous 'cleaning and sanitation work' so essential for the proper and healthy functioning of the Bank.

7. The writ petition is accordingly dismissed with costs of Rs.25,000/- (twenty five thousand) which will be paid by the Bank to the Opposite Party-Workman within four weeks. The LCR be returned immediately to the Tribunal for enforcement of the Award.

8. An urgent certified copy of this order be issued as per rules.

**(Dr. S. Muralidhar)**  
**Chief Justice**

**( R.K. Pattanaik )**  
**Judge**

*S.K. Guin*

