

03.01.2023
DL-3
(PP)
Ct.21

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 20283 of 2022

Dipak Das & Ors.
Vs.
Union of India & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Badrul Karim,
Mr. Sayan Banerjee

.....for the petitioner.

Mr. Madhu Jana

....for Union of India.

Ms. Parna Roy Choudhury,
Mr. Avishek Choudhury

....for PNB.

The petitioners are the mini deposit collectors engaged on contractual basis by Punjab National Bank. The petitioners have challenged the modified Mini Deposit Scheme of the bank to collect cash by updating software finacle 10 machine in lieu of manual system of collection of cash.

Mr. Chatterjee, learned counsel appearing on behalf of the petitioners submits that the said modified deposit scheme is illegal and could not have been implemented by the bank, vide office order dated May 30, 2022.

Ms. Roy Choudhury, learned counsel appearing on behalf of bank submits that the writ petition in its present form is not maintainable. She relies on a judgment passed by the Hon'ble Apex Court in Appeal

(Civil) 3355 of 1998 (**Indian Bank Association Vs. Workmen of Syndicate bank & Ors.**) in support of the contention that the petitioners are workmen under the Industrial Disputes Act and their remedy lies under the Act and not before the Writ Court.

Having considered the rival submissions of the parties and the materials placed on record, this Court is of the view that the petitioners have an alternative efficacious remedy under the Industrial Disputes Act, being workmen under the said Act.

In the circumstances, **WPA 20283 of 2022 is dismissed.**

However, it is made clear that this Court has not gone into the merits of the disputes.

The petitioner will be at liberty to approach the appropriate forum on the self-same cause of action, if so advised.

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained therein are deemed not to have been admitted by the parties.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)