



CWP-28592-2024

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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**CWP-28592-2024
Date of decision: 22.10.2024**

STATE BANK OF INDIA

....PETITIONER

Vs.

UNION OF INDIA AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Chandeeep Singh, Advocate
for the petitioner.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court-1, Sector-18, Chandigarh to decide its application under Section 33 of Industrial Disputes Act, 1947 (for short '1947 Act').

2. The petitioner in terms of Section 33 of 1947 Act has filed an application dated 02.02.2023 (Annexure P-14) before Labour Court seeking approval to terminate respondent No. 4 (Shambu Kumar). The Presiding Officer heard the arguments on 23.09.2024 and fixed the matter for orders on 25.09.2024. The respondent-workman adopted tactics including complaint against the Presiding Officer and on account of said complaint, Presiding Officer is not passing order. In the zimni order dated 27.09.2024, it is noted that workman has filed complaint to Labour Secretary, Government of India, New Delhi. The Presiding Officer has

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written a letter to Labour Secretary to transfer the matter to some other Tribunal.

Order dated 27.09.2024 passed by Presiding Officer reads as under:-

“27.09.2024

Present: None

In this case, a complaint has been received from workman Shambhu Kumar through e-mail of his A.R. earlier representing him Mr. O.P. Indal. The allegations made in the complaint are baseless and even no order has been passed by this court on the application for impleading State Bank of India Staff Congress and on 26.09.2024 the matter was adjourned to 30.09.2024 for arguments on the said application. This tribunal does not want to decide this case as workman Shambhu Kumar is using pressure tactics to get this court decide in his favour. A letter in this regard be written to the Hon'ble Labour Secretary Government of India, New Delhi to transfer this case to some other Tribunal. File be put up on 30.09.2024 the date already fixed in this case.”

3. A similar order has been passed by Presiding Officer on 30.09.2024, which reads as under:-

“30.09.2024

Present: None for the workman

Shri Rajesh Arora Law Officer for respondent.

Nobody has turned up on behalf of the workman. This tribunal has already written a letter for transfer of this case to some other Tribunal on 27.09.2024 to the Hon'ble Labour Secretary, Government of India, New Delhi and the case is adjourned for awaiting response of the Hon'ble Labour Secretary. Parties would be informed accordingly.”

4. Section 33(5) of 1947 Act provides that Labour Court or Tribunal shall pass order within 3 months from the date of receipt of application. The said period may be extended by Labour Court for the reasons to be recorded in writing.



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In the instant case, the Presiding Officer has kept the matter pending just because of complaint filed by workman to Secretary, Labour Department. It is not just and reasonable ground to keep the matter pending. Accordingly, Presiding Officer is directed to adjudicate the application of the petitioner expeditiously and preferably within one month from today.

5. Disposed of in above terms.

22.10.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No