

25.08.2025
Item No.4
Ct. No. 30
Aloke

WPA 19447 of 2025

**State Bank of India & Anr.
Vs.
Union of India & Ors.**

Mr. Soumya Majumdar, Id. Sr. Adv.
Mr. Debashis Saha
Mr. Sanjay Ghosh
Ms. Suchetat Pale
... for the petitioners

Mr. Amaresh Bag
Mr. Rajesh Kr. Shah
... for the respondent nos. 1 to 4

Mr. Kallol Bose, Id. Sr. Adv.
Mr. Debasis Sarkar
... for the Workers Union

1. Affidavit-of-service filed be kept with the record.
2. The writ application has been preferred challenging the various proceedings before the Conciliation Officer and more specifically the orders/minutes dated 22nd July, 2025 and the summon dated 22nd July, 2025, issued by the Conciliation Officer being the respondent no. 4 herein.
3. Vide the minutes dated 22.07.2025, **the Conciliation Officer has recorded the presence of the contractor S & IB Service Pvt. Ltd.**
4. It is stated by the learned counsel appearing for the petitioners that the dispute in the

present case relates to bonus payable to the contractor's workers under the Payment of Bonus Act and as in this case the workers are employed through the contractors and the petitioners herein being the principal employer cannot be directed to appear before the Conciliation Officer being not a necessary party **at this stage** and thus pray for quashing of the said summons dated 22.07.2025.

5. In course of hearing, the learned counsel appearing for the respondent nos. 5 and 6 has placed two documents, which the Court has taken into consideration.

6. It appears that the Conciliation Officer by an order dated 17.09.2021 has informed the contractors and the bank/petitioner about the industrial disputes raised by the various Unions over non-payment of bonus to the contractor's workers.

7. The petitioners by an e-mail dated 22.07.2025 have informed the Conciliation Officer as follows :

"2.that the eligible amount of Bonus, calculated taking into consideration of salary/wages as Rs.7000/- per mensem, not exceeding Rs.7000/- for a worker, will be reimbursed by the Bank to the Agency.

3. No Management fees will be paid on reimbursement of Bonus amount."

8. The said contents of the mail being an admission prima facie is denied and disputed by the petitioner herein

9. Considering the said statement of the petitioner in the e-mail dated 22.07.2025 (in dispute) and on hearing the parties, it is directed that the petitioners shall **send a competent representative, duly authorized**, to appear before the Conciliation Officer on 26.08.2025 at 11.30 onwards.

10. Be it noted that the amount of bonus as adjudicated is to be paid by the contractors in cases where he has admitted the employment and it is their liability to pay the same to the workers and the bank/petitioner herein being the principal employer shall reimburse the same, in case the same is due and paid by the contractor.

11. The writ petition stands disposed of.

12. There will be no order as to costs.

13. Connected application, if any, stands disposed of.

14. Interim order, if any, stands vacated.

15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance with all requisite formalities.

(Shampa Dutt (Paul), J.)