

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION**

**RESERVED ON: 19.06.2025
DELIVERED ON: 20.06.2025**

**PRESENT:
THE HON'BLE JUSTICE GAURANG KANTH**

W. P. A. 1136 OF 2024

WEST BENGAL GRAMIN BANK

VERSUS

THE UNION OF INDIA & ORS.

Appearance:-

Mr. Chitra Bhanu Gupta, Adv.
Mr. Supriya Singh, Adv.

.....**For the Petitioner**

Mr. Bikramaditya Ghosh, Adv.
Mr. Sudipta Nayan Ghosh, Adv.

..... **For the respondent**

JUDGMENT

Gaurang Kanth, J. :-

1. The Petitioner, in the present Writ Petition, challenges the Award dated 09.10.2023 (hereinafter referred to as the "Impugned Award") passed by the Central Government Industrial Tribunal in Reference No. 05/2007. By the said Award, the learned Industrial Tribunal allowed the Claim Petition filed by the Claimant therein in view of the Judgment of the Hon'ble Supreme Court in ***Indian Bank Association Vs Workmen of Syndicate Bank*** reported as **2001 (3) SCC 36**. The Tribunal held that the authorized

collection agents engaged for the Khudra Sanchay Prakalpa scheme by Uttarbanga Kshetriya Gramin Bank are workman for the purpose of Industrial Disputes Act and hence entitled to the Full back wages at the rate of Rs. 7,500/- per month, linked to a minimum deposit collection of Rs. 7,500/- per month; Uniform conveyance allowance of Rs.50/- per month for deposit collections below Rs. 10,000/-, and Rs. 100/- per month for deposit collections of Rs. 10,000/- and above; Gratuity equivalent to fifteen days' commission for each completed year of service, reckoned from the date of reference, i.e., March 2007.

2. Vide notification dated 05.04.2025, the Petitioner Bank was merged into the West Bengal Gramin Bank. Accordingly, vide order dated 18.06.2025, the name of the Petitioner was changed to West Bengal Gramin Bank.
3. The Facts leading to the present case is as follows :
4. The Central Government, Ministry of Labour, by its order No. L-12012/238/2005-IR (B-1) dated 02.03.2007, in exercise of the powers conferred under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to the Industrial Tribunal:

“Whether the action of the Uttarbhanga Kshetriya Gramin Bank in not extending the benefits to its Mini Deposit Collectors, which have been granted to such agents in other 11 nationalized banks pursuant to the order of the Hon’ble Supreme Court, solely on the ground that they were not parties to the said dispute, is justified? If not, what relief are the workmen concerned entitled to?”

5. The Association of Authorised Collection Agents of Uttarbhanga Kshetriya Gramin Bank espoused the cause of the workmen and filed a statement of claim. It is the case of the Claimants that the Hon’ble Supreme Court in ***Indian Banks' Association v. Workmen of Syndicate Bank***, reported in

(2001) 3 SCC 36, held that deposit collection agents are to be treated as “workmen” under the Industrial Disputes Act, thereby establishing the existence of an employer-employee relationship between banks and such agents. The Hon’ble Supreme Court directed that the deposit collectors be paid. A minimum monthly remuneration of Rs. 750/- linked to a deposit collection target of Rs. 7,500/-. An incentive of 2% on collections exceeding Rs. 7,500/-. A conveyance allowance of Rs. 50/- per month for collections below Rs. 10,000/- and Rs. 100/- for collections of Rs. 10,000/- and above, Gratuity equivalent to fifteen days’ commission for each completed year of service.

6. It is the contention of the Claimants that the said judgment constitutes a judgment *in rem*, and is therefore, all similarly situated collection agents, whether working in nationalized banks or otherwise, are entitled to the benefits accorded therein. In compliance with the said judgment, banks such as Gour Gramin Bank and Koshi Kshetriya Gramin Bank extended the benefits to their deposit collectors. A request was accordingly made to the Petitioner Bank to grant the same benefits, which was rejected.
7. In response, the Management Bank filed a written statement denying the allegations. It was contended that since the Petitioner Bank was not a party to the proceedings before the Hon’ble Supreme Court, the said judgment is not binding on it. It is further argued that the Supreme Court judgment was passed based on evidence adduced in that specific matter, and thus, the judgment is a judgment *in personam*, not applicable to the Respondent Bank. The Bank asserted that deposit collectors are not employees but independent agents, remunerated on a commission basis, over whom the

Bank exercises no control. There exists no employer-employee relationship, and hence the provisions of the ID Act are not attracted.

8. Both parties adduced oral and documentary evidence. The claimants examined two witnesses (WW-1 and WW-2), and the Management examined one witness (MW-1).
9. Based on the pleadings and upon consideration of the evidence, the learned Industrial Tribunal passed an award dated 09.10.2023, directing the extension of the same benefits to the deposit collectors of the Petitioner Bank, the same were extended pursuant to the Supreme Court's judgment.
10. Aggrieved by the said Award, the Petitioner Bank has filed the present writ petition challenging its validity. The principal contention urged is that the learned Tribunal has erred in treated the judgment of the Hon'ble Supreme Court in *Indian Banks' Association* (supra) as a judgment *in rem*, without establishing factual parity, whereas it is, in fact, a judgment *in personam*, rendered on the basis of specific facts and evidence led in that case. It is submitted that before claiming parity, the Claimants must establish that they are similarly situated to the petitioners in the said Supreme Court case. The Claimants in the present case are contractual agents, governed by the terms of individual appointment letters. Furthermore, rural banks and nationalized banks are not similarly placed institutions, and their operational structure differs materially. Hence, it is argued that the said judgment has no applicability to the present case, and the impugned Award deserves to be set aside.
11. On the other hand, learned counsel for the Respondents contends that the Supreme Court's judgment in *Indian Banks' Association* (supra) is a judgment *in rem*, laying down the law that deposit collectors of banks are to

be treated as workmen under the ID Act. It is argued that there is no legal distinction between collection agents working for nationalized banks and those employed by regional rural banks. Since the impugned Award is in conformity with the Supreme Court's ruling, there is no cause for interference under Article 226 of the Constitution. The Respondents accordingly seek dismissal of the writ petition.

12. This Court has heard the submissions made by the learned counsel for both parties and has perused the documents and pleadings placed on record.
13. Upon a careful consideration of the impugned Award, this Court finds that the learned Industrial Tribunal has grossly erred in law by rendering its findings without a proper and thorough evaluation of the evidence adduced by the parties. Although both the Claimants and the Management Bank led oral and documentary evidence, the Award is conspicuously silent on any meaningful analysis of such evidence. The Tribunal appears to have mechanically applied the judgment of the Hon'ble Supreme Court in **Indian Banks' Association v. Workmen of Syndicate Bank (*supra*)**, treating it as a binding precedent applicable in all cases, without addressing the foundational factual issue—whether the Claimants herein are similarly situated to the workmen in the said Supreme Court judgment.
14. This Court is constrained to note that the learned Tribunal proceeded in a manner more akin to the exercise of jurisdiction under Article 226 of the Constitution, rather than performing its core adjudicatory function under the Industrial Disputes Act, 1947. The function of a Tribunal in such proceedings is to engage in a detailed factual enquiry, appreciating the evidence on record and rendering findings based thereon. However, in the

present case, the Tribunal has abdicated its responsibility to conduct such an enquiry, instead presuming the applicability of the Supreme Court judgment without establishing the necessary factual parity. Such an approach not only amounts to non-application of mind, but also vitiates the Award on the ground of patent illegality and procedural impropriety. The issue before the Tribunal was not merely a legal one, but one that required a fact-intensive determination regarding the status and conditions of engagement of the Claimants *vis-à-vis* the workmen in the Supreme Court judgment. The failure to undertake this analysis renders the impugned award unsustainable in law.

15. In view of the above, the impugned Award dated 09.10.2023 passed by the learned Industrial Tribunal is hereby set aside, and the matter is remanded back to the learned Industrial Tribunal for *de novo* adjudication. The Tribunal shall consider the matter afresh after evaluating the pleadings, appreciating the evidence on record, and shall allow the parties to adduce additional evidence, if so required. The Tribunal shall specifically determine whether the Claimants are similarly situated to the workmen in *Indian Banks' Association* (supra), based on relevant facts, such as the nature of engagement, degree of control exercised by the Bank, and other attendant circumstances.
16. It is expected that the learned Industrial Tribunal shall dispose of the matter expeditiously, preferably within a period of four months from the date of receipt of this order, in accordance with law and upon affording adequate opportunity of hearing to all parties.
17. The writ petition stands disposed of accordingly.

18. Certified copy of this judgment, if applied for, be given to the learned Advocates for the parties on usual undertaking.

(Gaurang Kanth, J.)

SAKIL AMED (P.A.)

