JPD-17
Ct. No. 01
12.08.2025
AKG

CALCUTTA HIGH COURT
In The Circuit Bench at Jalpaiguri
Appellate Side

MAT 57 of 2025
With

CAN 1 of 2025

Uttarbanga Kshetriya Gramin Bank
Vs.
West Bengal Gramin Bank & Ors.

Mr. Bikramaditya Ghosh,
Mr. Sudipto Nayan Ghosh,
Mr. Ved Rai,
Mr. Mayank Bhandari,
Mr. Vivek Saha
… for the Appellant
Mr. Chitra Bhanu Gupta,
Ms. Supria Singh
…for Respondent No. 1
Mr. Nupur Gupta
…for Respondent

The appellant challenges an order dated June 20, 2025, passed by a learned Single Judge of this Court, whereby the learned Judge set aside an award dated October 10, 2023, passed by the Central Government Industrial Tribunal and remanded the matter back to the Tribunal for de novo adjudication.

It is necessary to set out the dispute that was referred to the Tribunal:

> "Whether the action of the Management of Uttarbanga Kshetriya Bank in not extending the benefit to the mini deposit collectors of their bank, as is being given to the other 11 nationalized banks as per the order of the

> Hon’ble Supreme Court, only on the ground that they were not parties to the dispute, is justified? If not, what relief are the workmen concerned entitled to?"

The reason for the remand is apparent from the relevant portion of the impugned judgment, extracted below:

> *“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.*
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> *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.*
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> *In view of the above, the impugned Award dated 09.10.2023 passed by the learned Industrial Tribunal is set aside, and the matter is remanded 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 the relevant facts, such as the nature of engagement, degree of control exercised by the Bank, and other attendant circumstances."*

However, upon perusal of the award passed by the Tribunal, we find that the Tribunal did consider the evidence adduced by the parties before arriving at its conclusion. The Tribunal declared the concerned employees to be "workmen" and granted them the benefits of the judgment of the Hon'ble Supreme Court dated February 13, 2001, in Indian Banks' Association vs. Workmen of Syndicate Bank & Ors., reported in (2001) 3 SCC 36.

Mr. Bikramaditya Ghosh, learned advocate appearing for the appellant, submitted that the Tribunal duly considered both oral and documentary evidence. Thirteen documents were filed on behalf of the claimants and seven on behalf of the Management.

Upon appreciation of the same, the Tribunal concluded as follows:

> "Thus, the claimants who are Mini Deposit Collectors of Uttarbanga Kshetriya Bank and appointed and authorised by the Bank as their collection agents under Khudra Sanchay Prakalpa are hereby declared as workmen working under the control of the Bank. There exists a relationship of master and servant between the Bank and those authorised collection agents, and they are entitled to the reliefs claimed.
>
> In the present Reference Case, the claimants have not prayed for absorption to regular posts but have only sought pecuniary benefits awarded by the Industrial Tribunal, Hyderabad to Deposit Collectors of Banks, which were affirmed by the Hon'ble Supreme Court. Therefore, whether it is a Nationalized Bank or a Regional Bank becomes immaterial as they discharge similar functions. Accordingly, the claimants are entitled to the benefits sought by them in view of the judgment passed by the Hon'ble Supreme Court in Indian Banks' Association vs. Workmen of Syndicate Bank & Ors., (2001) 3 SCC 36."

After carefully considering the award, we are of the view that the Tribunal rightly adjudicated the dispute by appreciating the evidence on record and the submissions advanced by the parties.

In light of the above, we find that the learned Single Judge was not justified in remanding the matter back to the Tribunal for fresh adjudication, particularly considering that the dispute had been referred as far back as March 2, 2007. Remanding the matter at this stage would serve no purpose and would unnecessarily delay the proceedings, especially when no substantial error is found in the Tribunal's reasoning or conclusions.

However, we find that there is an error in the operative portion of the award, whereby the Tribunal held that members of the appellant/association are entitled to back wages of Rs. 7,500/- per month linked with a minimum deposit of Rs. 7,500/- per month. The correct amount, as per the judgment of the Hon’ble Supreme Court in Indian Banks’ Association (supra), is Rs. 750/- per month linked with minimum a deposit of Rs. 7,500/- per month.

This is a clear typographical error. In view of the same, we modify the operative portion of the Tribunal’s award to the extent that the back wages payable shall be Rs. 750/- per month linked with a minimum deposit of Rs. 7,500/- per month.

Accordingly, the appeal is allowed.

MAT 57 of 2025 along with CAN 1 of 2025 is disposed of.

Urgent certified website copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

**(Partha Sarathi Chatterjee, J.)** **(Kausik Chanda, J.)**