IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

Reserved on: 17.11.2025
Pronounced on: 21.11.2025

Uploaded on: 21.11.2025

Whether the operative part or full judgment is pronounced: ***Full***

CM(M) No.217/2022

J&K BANK LTD. & ANOTHER

...PETITIONER(S)/APPELLANT(S)

Through: - Mr. Sajid Ahmad Bhat, Advocate, with Ms. Taniya, Advocate.

Vs.

INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT & ANR.

...RESPONDENT(S)

Through: - Ms. Rasheeda Shaheen, Advocate.

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

JUDGMENT

1) The petitioners, through the medium of present petition, have challenged order dated 14.05.2018 passed by the learned Industrial Tribunal-cum-Labour Court, J&K (for short "the Tribunal"), whereby objection of the petitioners with regard to jurisdiction of the Tribunal to entertain the dispute raised by respondent No.2 has been overruled and it has been held that the Government of Jammu and Kashmir is the appropriate Government for the petitioner Bank within the meaning of Section 2(a) of the Industrial Disputes Act, 1947.

2) Heard and considered.

3) The only issue that is involved in this petition is as to whether the Government of Jammu and Kashmir is the appropriate Government for the J&K Bank Limited (the petitioner Bank) within the meaning of Section 2(a) of the Industrial Disputes Act.

4) Learned counsel for the petitioners has, in support of his contention that appropriate government for the petitioner bank is the Central Government, placed reliance upon the judgment of a Coordinate Bench of this Court in the case of **J&K Bank Ltd. & Ors. vs. Industrial Tribunal-cum-Labour Court & anr.** (OWP No.417/2019 decided on 01.01.2025), wherein it has been held that in case of an industrial dispute between the Jammu and Kashmir Bank Ltd. and its workman, the appropriate Government would be the Central Government and not the Government of Jammu and Kashmir.

5) On the other hand, learned counsel appearing for respondent No.2 has, while placing reliance upon the judgment of the Supreme Court in the case of **Bharat Co-operative Bank (Mumbai) Ltd. vs. Co-operative Bank Employees Union**, (2007) 4 SCC 685, contended that the appropriate Government in relation to a bank carrying on

business in more than one State would be the State Government concerned.

6) A Coordinate Bench of this Court in OWP No.417/2019, has, while dealing with the aforesaid question, dealt in detail with the definition "appropriate Government" as contained in Section 2(a) of the Industrial Disputes Act and has also taken into consideration the definition of "banking company" as contained in Section 2(bb) of the said Act. The Coordinate Bench has also taken note of the provisions contained in Section 5(c) of the Banking Companies Act, 1949, and various other provisions of the Companies Act, whereafter it has observed as under:

> *12. The Jammu and Kashmir Bank ltd. was incorporated as a public limited company under the Jammu and Kashmir Companies Regulations Number 11 of 1977 on 01.10.1938 i.e. much before the commencement of the Central Laws (Extension to Jammu & Kashmir) Act, 1968 (25 of 1968). Thus, the Jammu and Kashmir Bank Ltd is an "existing company" within the meaning of the Companies Act and is a 'company' in terms of the Companies Act, 1956. Further, section 2 (20) of the Companies Act 2013, provides that the company means company incorporated under this law or any previous law. The Jammu and Kashmir Bank ltd. is involved in the business of 'banking', having its branches all over the country and as such has all the attributes of 'banking company' as defined under the Act No.10 of 1949, which finds reference in the Industrial Disputes Act, 1947.*
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> *13. Thus, this court is of the considered view that in case of industrial dispute between the Jammu and Kashmir Bank Ltd. and its workman, the*

appropriate Government would be 'the Central Government'. The issue No.1 is decided accordingly.

7) So far as the judgment relied upon by learned counsel for respondent No.2 delivered by the Supreme Court in **Bharat Co-operative Bank (Mumbai) Ltd.'s** case (supra) is concerned, the same relates to a Cooperative Bank and not to a Banking Company as defined in Section 5 of the Banking Companies Act, 1949. The said provision defines "banking company" to mean any company which transacts the business of banking in India. Since a Cooperative Society is not a company incorporated under the Companies Act, as such, it cannot come within the purview of definition of "banking company" as provided in Section 2(bb) of the Industrial Disputes Act. It is in these circumstances that the Supreme Court held that Bharat Co-operative Bank (Mumbai) Ltd. is not a banking company as defined in Section 2(bb) of the Industrial Disputes Act and, therefore, the Central Government would not be the appropriate Government in a dispute arising between the workmen and the management of a Cooperative Bank.

8) In the present case, the petitioner Bank is, admittedly, a company registered under the Companies Act and it is not a Cooperative Society. Thus, it squarely falls within the definition of "banking company" as defined under Section 5

of the Banking Companies Act. Therefore, the ratio laid down by the Coordinate Bench of this court in OWP No.417/2019 squarely applies to the facts of the present case. The impugned order passed by the learned Tribunal holding that the Government of Jammu and Kashmir is the appropriate Government and reference of the dispute made by the said Government to the Tribunal, vests jurisdiction with it, is, therefore, not sustainable in law.

9) For the foregoing reasons, the petition is allowed and the impugned order passed by the learned Industrial Tribunal-cum-Labour Court is set aside, with a direction to the learned Tribunal to return the application filed by respondent No.2 to him, who shall be at liberty to get the dispute raised by him settled in accordance with law.

10) A copy of this order be sent to the learned Industrial Tribunal-cum-Labour Court, J&K, for information and compliance.

(SANJAY DHAR)
JUDGE

Srinagar
21.11.2025
""Bhat Altaf"

*Whether the **Judgment** is speaking:* ***Yes***
*Whether the **judgment** is reportable:* ***Yes/No***