

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM
LABOUR COURT, JABALPUR

NO. CGIT/LC/C/02/2023

Present: P.K.Srivastava

H.J.S..(Retd)

Dinesh Kumar Kahar
S/o Shri Prem Lal Kahar
R/o Rajendra Ward, Kareli,
Distt. Narsinghpur (M.P.)

Workman

Vs

The Branch Manager
Central Bank of India
Kareli Branch
Distt. Narsinghpur (M.P.)



Management

(JUDGMENT)

(Passed on this 05th day of February-2025)

The Award holder Workman has filed this petition under Section 33C(2) of the Industrial Dispute Act (the 'Act') for computation and recovery of amount which he has claimed to be entitled to in the light of Award by this Tribunal dated 04.05.2012 passed in the case **R/188/2000**.

Case of the Workman held is that, an Award was passed by this Tribunal by which he was held entitled to be reinstated with back-wages from the date of his termination.

The Management filed an application wherein, it stated that the execution of award was stayed by Hon'ble High Court in the vide order dated 05.09.2012 subject to compliance of provisions under Section 17B of the Act. According to the Management, they paid the award holder, the Workman Applicant in the case in hand, an amount of Rs. 3,82,554/- as back-wages by Cheque dated 24.04.2013 under misconception in construing provisions of Section 17B and wrong advices given by its Counsel. It was observed by Hon'ble High Court that Section 17B of the Act creates no bar for full or partial compliance of Award. It was further observed that in the Award of reinstatement with back-wages, the Management may reinstate the Workman and seek stay on the money part with the back-wages, in the event, if the workman is reinstated, he will be entitled to current wages .In case where the **Employer tenders the entire back-wages as in the case in hand;** he will be liable to pay last drawn wages subject to fulfillment of other conditions therein. And on these observations, Hon'ble High Court dismissed the application of Management Bank, seeking refund of the amount or adjustment of the amount towards the last wages drawn to be paid during pendency of the writ petition. Hon'ble High Court further observed that, in case writ is decided in favour of the Management Bank, they could be at liberty to recover the amount under law.

According to the Workman, this writ was dismissed by Hon'ble High Court vide order dated 27.06.2023.

Case of the management bank, taken in their written objections against the petition is mainly that the Writ has been restored on its original number and has been finally disposed vide order dated 06.02.2024; the back-wages has been modified and have been reduced to 50%. A Writ Appeal against the decision is pending according to

the Management Bank. It is further the case of the Management that, since order of the award has merged into with order of Hon'ble High Court dated 06.02.2024 disposing the writ finally and the Workman has been held entitled to 50% of back-wages only, the amount of full back-wages given to him requires to be adjusted.

I have heard arguments of Learned Counsel of applicant Mr. S.K. Gupta, Learned Counsel for Management did not appear. The applicant side has filed written submissions also which are part of the record. I have gone through the Record and the Written Statements.

There is substance in the case of Management that, since the Award passed by this Tribunal granting reinstatement with full wages has merged into final order of Hon'ble High Court in the said Writ which has granted reinstatement with 50% back-wages, the Workman shall be held entitled to 50% of his back-wages from the date of his termination till date of his reinstatement. Since, he has been paid full back-wages, the amount which is more than half of the back-wages for the period will be and must be adjusted otherwise the spirit of the final order will fail..

Hence, in the light of above discussion, the Applicant Workman is held entitled only to amount under Section 17B during pendency of the said Writ after adjusting the 50% of amount which he received as back-wages.

The petition stands disposed accordingly.

No order as to cost.

DATE:- 05/02/2025

(P.K.SRIVASTAVA)
PRESIDING OFFICER