

Government of India  
Ministry of Labour & Employment,  
Central Government Industrial Tribunal-Cum-Labour Court-  
II, New Delhi.

Present:

Smt. Pranita Mohanty,  
Presiding Officer, C.G.I.T.-Cum-Labour  
Court-II, New Delhi.

**INDUSTRIAL DISPUTE CASE NO. 48/2000**  
**Date of Passing Award- 15<sup>th</sup> May, 2023**

Between:

The General Secretary,  
All India Allahabad Bank Employees Asson.,  
C/o Allahabad Bank, Baroda House,  
New Delhi-110001

Workman.

Versus

The Dy. General Manager,  
Allahabad Bank, 17-Parilament Street,  
New Delhi-110001

Management.

Appearances:-

Shri R.S Saini, Ld. A/R for the claimant.

Ms. Kittu Bajaj, Ld. A/R for the Management

**A W A R D**

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. The Dy. General Manager, and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 vide letter No. L-12011/34/2000(IR(B.II)) dated 12.05.2000 to this tribunal for adjudication to the following effect.

“ Whether the action of the management of Allahabad Bank, New Delhi not holding the bi-partite meeting with representatives of All India Allahabad Bank employees Asson. Affiliated to national confederation of Bank employees is legal and

just? If not, then what direction is necessary to the management?"

As per the narrative in the claim statement All India Allahabad Bank Employees' Association (AIABEA), here represented by its Gen Secy, is a Regd Trade Union having its registered office at Calcutta West Bengal. The said Association is having its units all over India and representing a majority No of employees of Allahabad Bank. The said Association is affiliated to the National Confederation of Bank Employees at the Apex level representing the Employees of different Banks and party to negotiation for the service conditions of the employees with the Indian Bank Association a representative body of the Banks in India. The claimant Association having members all over India attempts to settle/ solve the problems of the employees by way of bi partite discussion. But the Management of Allahabad Bank , in an arbitrary and discriminatory manner is not allowing the claimant Association to participate in the bipartite discussion as a result of which the grievance of the members are piling up without resolution leading to mass discontentment. On the other hand, the management of Allahabad Bank is allowing the minority unions and the rival unions, which are not even the Regd Trade Unions to participate in the discussion. By naming few other unions describing those as rival, un registered and minority unions, the claimant has asserted that the Management of Allahabad Bank for its discriminatory attitude have subjected the claimant union to unfair labour practice. All the oral and written request for opportunity to participate in the discussion were turned down by the management. Though as per the clauses of Shastri Award, the unions which are the Regd Trade Unions and fulfill the requirements of Trade Union Act are only to be allowed to represent the cause of the employees and hold bi lateral talks, the Management in gross violation of the direction and guidelines issued is not allowing the office bearers of the claimant Association to put forward the grievance of the members of the union for harmonious resolution. Such decision of the Management Bank is forcing the employees to more and more litigations under the ID Act and other laws.

Being aggrieved the Association had raised a dispute in this regard, before the conciliation officer on 13.06.1997 and

the management filed objection. But no agreement could be arrived at and the appropriate Govt. referred the dispute to this Tribunal for adjudication in terms of the Reference. Thus a prayer has been made for a direction to the Management to hold bi lateral discussion with the claimant Association for harmonious resolution of the grievances of the employees who are the members of the said association and further held that the refusal of the management to allow the claimant Association for such discussion is illegal.

The Management Bank filed written statement denying the claim advanced. It has been stated that the management has a majority recognized union i.e. All India Allahabad Bank Employees Coordination Committee which has been given the status of sole bargaining authority. The claimant union is neither the majority union nor the recognized union by the management. It has further been stated that the management has a separate scheme for redressal of the individual grievances of the employees. More over the All India Allahabad Bank Employees Coordination Committee is the only recognized union and the coordinating body of their state units affiliated to them and registered under the Trade Union Act. The proof of their majority is determined every year on the basis of the check off facilities provided to all the registered Trade Unions operating in the Allahabad Bank. Recognition is accorded to them by issuing letter. Though the claimant union is a registered union under the Trade Union Act, the same not being the recognized union of the Management Bank is not authorized to hold talks on bi partite settlement. The All India Allahabad Bank Employees Coordination Committee being the majority recognized union since 1971 is enjoying overwhelming majority and it's participation in settlement talks is legal and justified. Thereby the management has described the demand of the claimant union as illegal and liable to be dismissed.

Rejoinder was filed refuting the stand of the Management Bank. While calling upon the Management to prove the facts pleaded it has been stated that the All India Bank Employees Association, for example is not registered under the Trade Union Act, but is allowed by the management to participate in the talk on settlement. The claimant union is

duly recognized by the Indian Bankers' Association and a party to the negotiation for service condition and wage structure of the bank employees. Hence it has a statutory right to participate in the settlement talks between the employees and the management. But the Management Bank has adopted the illegal practice of choosing the un registered and un recognized unions according to it's sweet will for negotiation on general issues and to allow the said union's participation during bi partite settlement.

On these rival pleadings the following issues were framed.

### **ISSUES**

- 1- whether the claimant has locus standi to raise the claim.
- 2- 2- whether there is efficacious remedy to solve the dispute and the action of the Management is legal and justified in view of the objection by the management.
- 3- As in terms of reference.

On behalf of the claimant Sh R S Saini, the president of the claimant union testified as WW1. He stated to be the ex General Secy of the said union. He proved several documents marked as WW1/1 to WW1/6, besides adducing oral evidence. The documents filed and relied by the claimant union are the copies of the meetings held by the Bank Management on different dates with Allahabad Bank Indian Staff Association and All India Allahabad Bank Employees Coordination Committee Indian which are not the Registered Trade Unions. The said documents have been placed on record as Ext 1/1 to Ext 1/5. Ext 1/6 is a communication by the claimant union with the management post this proceeding requesting to allow participation in IRM. The management Bank examined one of it's chief Manager P.B.Kekre as MW 1. No documents were filed by the management. Both the witnesses were cross examined at length.

At the outset of the argument the learned counsel for the Management submitted that Allahabad Bank has lost it's identity for merger of the same with Indian Bank w. e. f. 1<sup>st</sup> April 2020. Hence on that reason alone the claim is liable to be

dismissed. She also argued that in this proceeding the burden lies with the claimant to prove itself as the recognized majority union and to establish that the unions participating in the negotiation are the minority and unregistered unions as claimed by the claimant. There being no evidence to that effect, the claimant has failed to discharge the said burden. She also submitted that the stand taken by the management is based on assumption only. The complainant that it has been denied participation in the negotiation is wrong as evident from their own pleading. In the claim petition it has been stated that the claimant association is affiliated to the National Confederation of Bank employees at the Apex level. Drawing attention of the Tribunal to several Bipartite Settlements, she submitted that the Apex Body of the claimant Association is participating in the negotiations and settlements. Hence it can not be said that the participation has been denied to the claimant Association. If at all it has any grievance regarding participation it can raise the same with its Apex Body. The management Bank holds discussion with the recognized majority union only and not with all the Unions.

The counter argument of the claimant is that the unrecognised union may not have the right to participate in the process of collective bargaining with the management/ employer on the issues concerning the employees in general. But they have the right to meet and discuss with the employer or any person appointed by him on issues relating to grievance of any individual member. In support of the contentions, reliance has been placed by the claimant in the case of **Chairman of SBI & Another vs All Orissa State Bank Officers' Association and Others, 2002(4) SCALE, 423**, decided by the Hon'ble High court of Orissa.

### **Findings** **All Issues**

All the issues being inter dependent are taken up for consideration together. The claimant has alleged that it the majority union of the Allahabad Bank employees having its unit all over India and the Head office is located in Kolkata West Bengal. No document has been placed on record about the no of units across the country or the membership no to

prove it to be a majority union. Similarly no evidence has been adduced to prove that the unions allowed to participate in the collective bargaining or negotiation are not registered under the Trade Union Act. The management has stated that the claimant union is not a recognized union.

It is a fact beyond dispute that there are multiple Trade Unions having the employees as their members. But the Bank has framed Rules to negotiate with the recognized unions only and the recognition is granted after assessment of the membership strength each year. The witness examined on behalf of the claimants who is none but the President of the claimant union has not stated a word as to how it claims to be a majority union. On the contrary the witness admitted during cross examination that the claimant union had never forwarded the names of the elected office bearers of the union to the registrar of Trade Union though the last election was held in Nov 2016 at Calcutta. The witness failed to mention who are the office bearers now. There is also no evidence if the claimant union is in existence after the merger of Allahabad Bank with Indian Bank in April 2020.

The witness examined by the management stated that the All India Allahabad Bank Employees Coordination Committee being the majority union participates in the negotiation and bipartite settlement which is applicable to all Bank employees. Hence it is not desirable in the interest of the employees that all the unions should be allowed to participate, which will lead to conflict of interest only.

Of course the learned AR for the claimant argued that the minority union is legally authorized to represent the case of individual employees. While accepting the said contention of the claimant, it is observed that the Management Bank has evolved a mechanism in the nature of a scheme to address the grievance of the Individual employees at the Head office as well as Regional office levels. The scheme is operating effectively. Hence there is no need of entertaining the unions for the said purpose.

From the oral and documentary evidence it is not established by the claimant that it is a majority union or the

recognized union of the Bank. Since the bank has a rule of allowing participation of recognized majority union only for collective bargaining and Bipartite settlement, the claim advanced by the claimant seems not justified and the Bank can not be held liable or dealing unfairly with the claimant Union. It is not out of place to mention that the claimant has not placed on record to establish that the said union is existing and active even after merger of Allhabad Bank with Indian Bank w. e. f. April 2020. Taking all these aspects in to consideration, it is held that the claimant has miserably failed to establish the claim and accordingly, the claim is answered against the claimant. Hence ordered.

### **ORDER**

The reference be and the same is answered against the claimant and it is held that the claimant union is not entitled to the relief sought for.

Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

Presiding Officer.  
CGIT-Cum-Labour Court.  
15<sup>th</sup> May, 2023

Presiding Officer.  
CGIT-cum-Labour Court.  
15<sup>th</sup> May, 2023