

**BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM –  
LABOUR COURT NO. II, NEW DELHI**

**LCA No. 03/2022**

**Sh. Anil Kumar vs. State Bank of India**

**Sh. Anil Kumar,**  
S/o Malkhan Singh,  
C/o Sh. Bhagwan Das, R/o House No. 255/36,  
Sanjay Nagar, Meerut City, Uttar Pradesh-250002.

...Applicant/Claimant

Versus

**State Bank of India,**  
(Earlier Known as State Bank of Patiala)  
Regional Office-II, (Delhi NBCC Place Second Floor)  
South & East Wing, Bhishma Pitamah Marg, Pragati Vihar,  
Lodhi Road, New Delhi-110003.

... Management/respondent

**Counsels:**

For Applicant/ Claimant:  
*Sh. Vipin Mohan, Ld. AR.*

For Management/ Respondent:  
*Sh. Noor Alam, Ld. AR.*

**Order**  
**25.06.2025**

This order shall dispose of the issue of maintainability of the present application filed under section 33C(2) of the Industrial Disputes Act, 1947, (**herein after referred to as ‘the Act’**).

The applicant, Sh. Anil Kumar, in his claim statement, has stated that he was employed with the State Bank of Patiala, an erstwhile bank that was merged with the State Bank of India in the year 2017.

He was working as a peon in the branch office of Meerut City and alleges that his services were terminated illegally by the management on 22.12.1992. Subsequently, he raised an industrial dispute challenging his illegal termination against the management which was referred to the Central Government Industrial Tribunal, New Delhi (herein after referred to as 'CGIT'). That dispute was decided in favor of the claimant by Sh. R.N. Rai, the then Presiding Officer, CGIT, and the claimant was directed to be reinstated with 10% back wages.

Aggrieved by the award passed by the CGIT, the management preferred a writ petition before the Hon'ble High Court of Delhi bearing **W.P. (C) no. 6756 of 2007**, challenging the said award. During the pendency of that petition, the applicant moved an application under section 17B of the Act before the High Court, which was disposed of in the year 2011, and the management was directed to pay last drawn wages or minimum wages to the claimant, whichever was higher, from the date of passing of the award till the final disposal of the petition.

The management challenged the said order by filing an **LPA no. 1005/2011** before the Divisional Bench of the High Court, wherein the order passed by the Ld. Single Judge was set aside.

Aggrieved by the order of the Division Bench, the claimant filed an **SLP (Civil) no. 18352/2012** before the Supreme Court of India. The Hon'ble Supreme Court, vide its order, set aside the judgment of the Division Bench and restored the order passed by the learned single judge of the High Court.

The applicant herein stated that in the bank industry, the management and their workmen had entered into bipartite settlement for pay fixation, wages and allowance. The State Bank of India and the State Bank of Patiala were also the part and parcel of the settlement, and they revised their pay scale and other allowances in accordance with their own formula according to price index value. The Apex Court held that doctrine of 'equal pay for equal work' is applicable to the persons employed as daily wagers. They are entitled

to same wages as are paid to their counterparts. As such, the claimant made prayer that he is entitled to allowances according to bipartite settlement since 16.04.1990 to 21.12.1992 but his whole pay and allowances has been deducted from his salary and has been adjusted in the banking business to which he is entitled. Lastly, he prayed for payment of salary and allowances according to bipartite settlement from 16.04.1990 to 21.12.1992 along with interest @18% per annum since 22.12.1992 till the date of actual payment, applicable to banking industry. He also sought 10% of the salary since 22.12.1992 till 15.04.2007 as awarded by CGIT dated 16.04.2007 along with 18% interest per annum.

In response, the management filed a reply opposing the applicant's prayer. It submitted that the writ petition bearing no. **W.P. (C) no. 6756 of 2007**, filed before the High Court is still pending, and that the applicant has concealed the material facts. It was further submitted that the bank has submitted an amount of Rs. 2,87,568.89/- (Rs. Two Lakhs, Eighty-Seven Thousand, Five Hundred, Sixty-eight and Paise eighty-nine only) towards arrears for the period from 16.04.2007 (the date of award passed by the CGIT-II, New Delhi), to 31.08.2013 by way of pay order no. 053501 dated 27.09.2013.

The management further submitted that the applicant was deputed through a service agency to work as a watchman/ Security Guard on monthly payment of Rs. 780/- plus 10% service tax. Minimum wages in the state of U.P. are higher than the applicant's last drawn wages and the claimant is being paid minimum wages regularly as applicable in the state of U.P. from the date of the award. It was also pointed out that contempt petition filed by the claimant no. 471/2014 before the Hon'ble Supreme Court was dismissed.

Further, the claimant has filed an application CM **app. No. 52604/2018** in the pending writ petition bearing no. **W.P. (C) no. 6756 of 2007** before the High Court of Delhi, wherein the similar prayers have been made. However, the High Court has only directed to list the matter for final hearing along with the said application. In view of the

above, the management prayed for dismissal of the present application in view of the above facts.

I have heard the arguments advanced by both parties and perused the record. Before proceeding further, section 33C (2) of the Act is required to be reproduced herein:

***(2) Where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may, subject to any rules that may be made under this Act, be decided by such Labour Court as may be specified in this behalf by the appropriate Government; 1 [within a period not exceeding three months:]***

***Provided that where the presiding officer of a Labour Court considers it necessary or expedient so to do, he may, for reasons to be recorded in writing, extend such period by such further period as he may think fit.***

Here, certain facts are admitted by the claimant. He had raised an industrial dispute against his alleged illegal termination before the CGIT, New Delhi. That dispute was decided in his favor vide award dated 16.04.2007. Subsequently, the management challenged the award by filing a writ petition bearing no. **W.P. (C) no. 6756 of 2007** before the Hon'ble High Court of Delhi, which is still pending. Only the application under section 17-B filed by the applicant was disposed of by the Ld. Single Judge which was ultimately confirmed by the Hon'ble Supreme Court of India vide its order dated 02.09.2013.

It is important to mention here that the writ petition before the High Court also involves the same cause of action and prayer, and the applicant has sought similar relief therein. Now the question arises whether the present application under section 33C (2) of the Act is maintainable, given that the award is still under challenge.

Section 33C (2) empowers this tribunal to calculate the amount of money or benefit due under an award or settlement. In the present case, the award passed by CGIT is still under challenge before the High Court. Until the award has attained finality, the claimant cannot seek calculation of dues, let alone any recommendations arising out of any bipartite settlement in the banking industry.

In view of the above discussion, the application is held to be not maintainable and the same stands dismissed. The file is consigned to the record room.

Dated 25.06.2025

ATUL KUMAR GARG  
Presiding Officer  
CGIT-cum-labour court-II