

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,**  
**JABALPUR (M.P.)**

**Present: P.K.Srivastava**

**H.J.S..(Retd)**

**NO. CGIT/LC/M/13/2025**

1. Shri Suresh Gehloth,  
S/o Shri Beni Ram Gehloth,  
R/o Gram Pindari, Post Bamodi,  
P.S. Lakhan Wala, Dist. Shani (M.P.)
2. Shri Bhagwat Kurve,  
S/o Shri Phoolchand,  
R/o Ward No. 14, Near Radha Krishna Mandir,  
Chhindwara, (M.P.)
3. Shri Mohpat Lihare,  
S/o Shri Karan Lal Lihare,  
R/o Gram Patharwada,  
P.O. Bharveli, Dist. Balaghat (M.P.)

Through All India State Bank of India  
Employees Association,  
Through its Zonal Secretary Office,  
Office: Bank of India, Parasia Road,  
Chhindwara (M.P.)

सत्यमेव जयते

V/s

1. State Bank of India,  
Though its Chief General Manager,  
LHO, Hoshangabad Road,  
Bhopal – 462016 (M.P.)
2. State Bank of India,  
Though its Chief Managing Director,  
Head Office, Corporate Centre, 19<sup>th</sup> Floor,  
State Bank Bhavan, Nariman Point,  
Mumbai-400021 (M.P.)

Workman

Management

**(JUDGMENT)**

**(Passed on 03rd day of February, 2026)**

The Workmen have filed this petition under ***Rule 10(9) of the Industrial Disputes (Central) Rules, 1957*** (hereinafter referred to by

the word '**Rules**') with a prayer to set aside the Judgment and Award dated 28.12.2021, passed by this Tribunal in case R/49/2015.

According to the applicant workmen, the dispute was raised by the Union who had prosecuted the case and reference was sent to this Tribunal for adjudication. During the proceeding, the Union representative stopped prosecuting the case. They did not consult the counsel, they did not even inform workman about the status of the case. The case was ultimately decided against them for the want of evidence on his behalf which has resulted in great prejudice to them. They are poor men who have been illegally terminated from the Bank and are without job since last 10 years. It is further alleged that after they came to know that the case was decided against them, they applied for certified copy of the Award and applied for setting aside the Award. An affidavit of the workman has been filed in support. They have prayed that the ex-parte Award be set aside and the reference be decided on merits.

Learned Counsel for management Bank has opposed this application orally.

**I have heard argument of** Learned Counsel for Workman Mr. Siddhant Verma and Mr. Pranay Choubey and Mr. Praveen Yadav for management the Bank. I have gone through the record as well.

Record reveals that the Judgment and Award was passed in this case on 28.12.2021, the application for setting aside of Award has been filed on 31.08.2025. Ground taken has been mentioned earlier.

Learned Counsel for the applicant workmen has stated that it is the case of unrepresented workmen who relied on the workman Union, they betrayed them. Probably they were compromised and left the prosecution of the case. He further submits that it is an unequal fight between the workmen who have been illegally terminated by the Bank and are out of job since last 10 years and almighty Management. Their Union has betrayed him and he has suffered for no fault on their part. Learned Counsel also submits that it is in the interest of justice to

set aside the Award and grant the workmen one opportunity to lead his evidence for atleast having him satisfaction that they have fought their case but failed. Learned Counsel for applicant workman has further referred to judgment of ***Hon'ble Supreme Court in the case of Grindlays Bank Ltd. v/s C.G.I.T. & Ors., A.I.R. (1981) SC 606***, in which it has been held that *ex-parte* Awards may be recorded for sufficient reason within 30 days from the date of publication of Award.

Learned Counsel has further referred to another judgment of ***Hon'ble Supreme Court in the case of M/s Haryana Suraj Malting Ltd. v/s Phool Chand, (2018) 16 SCC 567***, in this case Hon'ble Apex Court has held that the Tribunal does not become *functus officio* after 30 days of publication of Award rather it still retain power to entertain such application to set aside Award on sufficient cause being shown by the party for non appearance.

It is further held in the referred case that the Tribunal has ancillary and incidental power under section 11 of the Act to entertain such a petition to deliver justice between the parties and that power is not circumscribed by limitation, as *Limitation Act, 1963* is not applicable to the Tribunal and also that what is sufficient cause and whether its jurisdiction to be invoked within a reasonable time should be better left to the judicious discretion of the Tribunal. Award passed denying opportunity of hearing when the parties is able to show sufficient cause within a reasonable time and is open to challenge on the ground of being nullity therefore not binding.

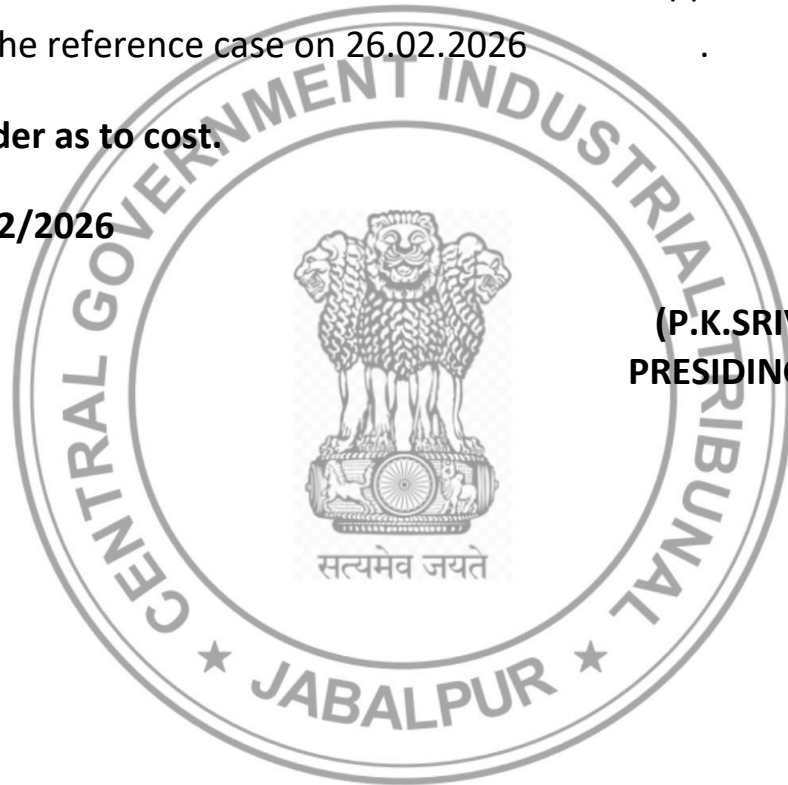
Judgment of a ***Single Bench of Hon'ble High Court of M.P. in the case of Rajendra Pratap Tiwari v/s Vice Chancellor, W.P. No. 195/2025 Neutral Citation No. 2025:MPHC-JBP:55144*** has been referred to in this case, it has been observed that when the matter related to retrenchment and the petitioner is out of service, a lenient view is required to be taken by the Tribunal in considering the application to set aside the Award. Keeping in view the facts and circumstances of the case in the light of the aforesaid principle laid

down in the above referred judgments, I find this is a fit case for this Tribunal to use its ancillary powers to set aside the ex-parte Award and decide the case on merit after giving opportunity to Workman. After all Courts exists for dispensing justice between the parties and not to punish them for their unintentional faults.

Hence, the judgment and Award dated 28.12.2021 passed in the reference case No. R/49/2015 is set aside. The workmen are given one chance to file all their evidence and make available themselves as well as their witnesses for cross examination by Management on the date fixed in the reference case. Parties are directed to appear before this Tribunal in the reference case on 26.02.2026 .

**No order as to cost.**

**DATE:- 03/02/2026**



**(P.K.SRIVASTAVA)  
PRESIDING OFFICER**