

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

Present: P.K.Srivastava

H.J.S..(Retd)

NO. CGIT/LC/ M/14/2025

1. Shri Anil Kumar Jain,
S/o Shri Madhukar Jain,
R/o Ward 18, in front of Santoshi Mata Mandir,
Dwarika Nagar, Badora,
Dist. Betul (M.P.),

Through:

All India State Bank of India
Employees Association,
Through its General Secretary,
C/o State Bank of India, Shahpura Branch,
Bhopal – 462016 (M.P.)

Workman



V/s

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

Management

(JUDGMENT)

(Passed on 03rd day of February, 2026)

The Workman has 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 05.02.2024, passed by this Tribunal in case R/47/2015. According to the applicant workman, 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. He did not consult the counsel, he did not even inform workman about the status of the case. The case was ultimately decided against him for the want of evidence on his behalf which has resulted in great prejudice to him. He is a poor man who has been illegally terminated from the Bank who is without job since last 10 years. It is further alleged that after he came to know that the case was decided against him, he applied for certified copy of the Award and applied for setting aside the Award. An affidavit of the workman has been filed in support. He has 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 05.02.2024, 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 workman has stated that it is the case of an unrepresented workman who relied on the workman Union, they betrayed him. Probably they were compromised and left the prosecution of the case. He further submits that it is an unequal fight between the workman who has been illegally terminated by the Bank and is out of job since last 10 years and almighty Management. His Union has betrayed him and he has suffered for no fault on his part. Learned Counsel also submits that it is in the interest of justice to set aside the Award and grant the workman one opportunity to lead his evidence for atleast having him satisfaction that he has fought his 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 05.02.2024 passed in the reference case No. R/47/2015 is set aside. The workman is given one chance to file all this evidence and make available himself as well as his 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**

