

ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – Cum – LABOUR COURT,
JABALPUR (M.P.)

Date of Order of Proceeding	Order Or Proceeding with Signature of Presiding Officer	Remark
Case No. CGIT/LC/R/ 51 / 2023 Union/Miss Aarti Verma Vs Indian Overseas Bank		
13.03.2024	<p>The workman present in person. The Management is represented by its learned Counsel. Files objection on I.A. with affidavit. Taken on record, copy served.</p> <p>The workman pressed her I.A. Heard learned Counsel for management on I.A. and perused record.</p> <p>The reference is being reproduced as follows:-</p> <p>“Whether the action of management in non-exonerating Miss Arti Verma from charges leveled against her on the basis of complaints made by certain customers and colleagues of the bank without following the due procedure to conduct such enquiry an even after withdrawal of show cause notice dated 06.10.2022 and order dated 01.02.2021 in respect of the charge-sheet is legal and justified ? If not, what relief the workman is entitled to ?”</p> <p>According to the workman, a show cause notice dated 30.05.2020 was issued to her without providing any details and supporting documents. She denied the allegations made in the notice in her reply on 04.06.2020. She was placed under suspension by management even before she submitted her reply which was against the Bipartite Settlement. Her appeal against her suspension was dismissed. She raised a dispute before the Assistant Labour Commissioner. Her suspension order was revoked by the management and she was transferred to other branch during the pendency of the proceedings before the conciliation officer. She filed a complaint U/S. 33-A of Industrial Disputes Act 1947 (hereinafter referred as word “Act”). She was</p>	

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	<p>served a charge-sheet dated 27.07.2020 and was asked to show cause she did submit the show cause on 05.08.2020 the management issued another show cause notice on 06.10.2020 communicating that her case was being considered under Class-12(e) of Bipartite Settlement which provides for dispensing with enquiry and punishment of stoppage of increments for 6 months was proposed. She denied the allegations in her reply to the show cause but ignoring her representation, the disciplinary authority confirmed the punishment of stoppage of one increment for 6 months. She raised another dispute with the conciliation officer. The management withdrew the order of punishment on 29.06.2021 (copy on record). Thus according to the workman, the management by withdrawing suspension order and punishment order itself admitted that their actions were not correct. These actions of management are with a view to victimize her and are unfair labour practice. It is further the case of the workman that after the withdrawal order regarding punishment the entire proceedings on the basis of the charge-sheet came to an end. Thereafter the chief manager claiming himself to the disciplinary authority has started conducting departmental enquiry against the workman which is against para 14 of the Bipartite Settlement and against the Circular no.- EST/83/2020-21 dated 10.02.2021 in which Regional Head of the Regional Office of the Bank has been designated as disciplinary authority. According to the workman, the management has debarred her from availing cash limit/ overdraft and vehicle loan at concessional rate admissible to other similarly placed employee and has also debarred her from appear in the process for promotion to higher cadre during the</p>	

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	<p>pendency of the present dispute which amounts to change of service conditions which is not permissible U/S. 33-A of the Act. The workman has prayed the following as interim relief :-</p> <ol style="list-style-type: none">1. Pass an order to sanction cash credit/ overdraft limit, and advances to the workman concerned as per her request for which she is lawfully eligible and entitled in the same manner and on same terms and conditions which are available to other similarly placed employee of the bank.2. Pass an order to allow the workman in the process of promotion for higher cadre and promote her if she successfully clears the same.3. Pass any other or further order, as this Tribunal thinks fit. <p>In its written objection, management has taken a case that these interim reliefs cannot be granted by this Tribunal. This Tribunal has been tasked to adjudicated the reference and the interim reliefs are not the subject matter of the reference. With regards to loan the bank is required to verify the eligibility of the applicant and hence the workman cannot seek direction granting loan to her management and grant of promotion also is not subject is matter of the reference. Accordingly, management as prayed that the I.A. be dismissed.</p> <p>Section 2(B) of the Act defines award as follows:-</p> <p>Award means an interim or a final determination of any Industrial Dispute or of any question relating thereto by any Labour Court, Industrial Tribunal or National Industrial Tribunal and includes an arbitration award</p>	

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	<p>made U/S. 10-A.</p> <p>It shows that an award can be final and also interim. Any interim relief granted to a party during the pendency of the reference/ dispute is in the nature of interim award and is within the competence of this Tribunal.</p> <p>Though management is being granted adjournments for filing written statement of defense and today has been last date for filing written statement, they did not care to file written statement they have filed written objection only on I.A.</p> <p>As regards the first point raised in the objection that interim relief is beyond the scope of the reference, a perusal of the reference makes it clear that if the reference is answered in favour of the workman, she will be entitled to its consequential benefits also, which include to be considered for promotion and also admissible service benefits. Hence, it cannot be said that the interim relief sought is beyond the scope of the reference.</p> <p>It is nowhere in the objection of the management that any enquiry is under contemplation or is pending against the workman. This is also not disputed that the earlier punishment orders have been withdrawn by the management. As regards the case of management that loan etc. are granted subject to eligibility criteria and promotion is granted subject to eligibility and vacancy, there is no quarrel with this proposition but when there is nothing on record at least at present that any enquiry is pending or under contemplation against the workman or any punishment order is in existence, non-</p>	

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	<p>consideration of the workman for promotion and service benefits admissible to the workman as per Rules, if she is otherwise eligible, is not legal on the part of management. In case the reference is answered against the workman, she may be reverted back if granted promotion and recovery of salary may also be in the discretion of the management.</p> <p>In the light of above discussion, the interim application is disposed with following directions:-</p> <ol style="list-style-type: none">1. The workman will not be debarred from being considered for promotion if there are vacancies and she is otherwise found eligible.2. The workman will also not be debarred from being considered for other service benefits if she is found otherwise eligible for them. <p>Management is granted one more opportunity to file its written statement of defense with documents if any and affidavits and after supplying copy to the workman till or before date 09/05/2024.</p> <p>List on 09/05/2024</p> <p style="text-align: right;">Presiding Officer</p>	