

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/M/02/2024 Punjab National Bank V/s. Richa Khare		
10.03.2025	<p><b>List revised.</b></p> <p>None for applicant Bank. The OP/Workman side filed written objection and application, taken on record. Hear, argument of Learned Counsel for OP Workman. Perused Record.</p> <p>The petitioner management Bank, has filed application with affidavit for setting-aside Award dated 02.11.2023 passed by this Tribunal in the Case of R/67/2020, Richa Khare V.s. Punjab National Bank, with the case that no notice of the case was served by the Office of the Bank which was dealing with the matter, in-fact, the deceased workman was last posted in Circle Office Gwalior, and Circle Office Gwalior, was not made party to the proceeding. Hence, they could not appear before this Tribunal in the reference case. This is also stated that the Award does not show as to when the notices issued and when they served upon the Bank. According to the petitioner Bank, the Award was served upon them vide letter dated 23.02.2024, which was received on 25.03.2024 and after coming to know about the Award, they filed the petition for setting-aside the Award.</p> <p>The opposite party Workman has stated that notice was properly served to the Management Bank, but they did not care to appear and the case was ordered to be proceeded ex-parte against them. Also, it has been submitted that after passing of Award, this Tribunal has no jurisdiction to entertain such an application for setting-aside the Award, when it has become enforceable between the parties.</p> <p>The record of the reference case <b>R/67/2020</b> has been summoned during the hearing. I have gone through the record. In the light of arguments.</p> <p>At the very outset, it is pertinent to mention that, the petitioner bank has filed this application for setting-aside the Award under order 9 Rule 13 Civil Procedure Code, which is not applicable in the case in hand. Only this ground may be sufficient to dismiss this application, but since such</p>	

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	<p>applications are maintainable under Rule 10(9) of Industrial Disputes (Central) Rules, hence during this application under Rule 10(9) it is being disposed.</p> <p>As it comes out from the reference the General Manager Punjab National Bank to the plot No. 4, Sector 10 Dwarka, New Delhi is party to the reference. Also, it comes out from perusal of the reference case that, speed notice were sent to the parties, they were sufficiently on Workman on 15.02.2021 and on Management on the address mentioned in the reference, on 23.02.2021.</p> <p>The workman side appeared and prosecuted their case, the management did not care to appear in spite of service. The ground taken by petitioner Bank in this petition is that, in fact circle office Gwalior was the office holding with the matter, hence notices should have been sent to them. It is not disputed with the Circle Office at Gwalior and Office of the General Manager at Delhi, are part &amp; parcel of the same organization, Working as Agent, and principal or masters and servant. Hence, service to one shall be deemed to be service to other also. Since, there is no mention of the Circle Office at Gwalior as party to the reference; there was no occasion for this Tribunal, to sent notice to them. Moreover, both the Circle Office and the Office of General Manager at Delhi, are party and perusal of the same organization hence the service to one shall be deemed to be service to other also.</p> <p>It is further to mention here that Award has been posted on merits and no one has cared to appear from side of petitioner Bank to proceeding application.</p> <p><b>Hence in the light of above discussion the petition for setting-aside of Award as mention is held sans merits and is dismissed accordingly.</b></p> <p>Presiding Officer</p>	