

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JABALPUR

NO. CGIT/LC/R/187/1998

Present: P.K.Srivastava

H.J.S..(Retd)

**The General Secretary,
Daily Wages Bank Employees Association,
Hardev Niwas,
9, Sanwer Road, Ujjain**

Workman

Versues

**The Managing Director,
State Bank of Indore, Head Office,
5, Yeshwant Niwas Road, Indore,
(Merged with State Bank of India)**

Management

(JUDGMENT)

(Passed on this 05th day of February, 2026)

As per letter dated 10/08/1998 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-12012/337/1997 (IR(B-I)) dt. 10/08/1998. The dispute under reference relates to:

"Whether the action of the Management of State Bank of Indore in terminating the services of Shri Rajkumar Samarwal w.e.f. 04.01.1997 is justified? If not, to what relief the workman is entitled for?"

After receiving reference, notices were issued to the parties.

General Secretary, Daily Wages Bank Employees Association submitted statement of claim on behalf of workman. Case of First party is that workman was engaged on daily wages from 17-5-88 on vacant post of peon. Workman was doing cleaning, sweeping, dusting etc work from 17-5-88 from 8 to 10 AM. Thereafter he was working in the branch as peon from 10.30 to 6 PM. That after transfer of Branch Manager Shri Jahsiwala, workman was working under Branch Manager Shri Khandelwal, Pote, Vijayvargeey, Kashmire and others. When workman claimed full salary and bonus, he was terminated from 4-1-97. Workman further submits that Ishwar Prasad and Laxmi Narayan are still working. Their wages are paid by

drawing bogus bills. Workman submits that he completed 240 days service. He acquired status of regular employee under section 25-F of ID Act. The services of First party workman were terminated without notice, retrenchment compensation was not paid. The termination of his service is in violation of Section 25-F and Para 507, 524 of Sastry Award. It is further submitted that IInd arty donot follow principles of last come first go. As such termination of workman is in violation of Section 25-G of I.D.Act. workman was not given opportunity to work after his termination of service. IInd party has thereby violated Section 25-H of L.D.Act. On such ground, workman is praying for reinstatement with back wages.

Management has filed Written Statement. They raised preliminary objection that workman was not appointed by Second party and not completed 240 days service, therefore reference is not tenable. That Shri Ram Nagwanshi so called General Secretary of the Union Was dismissed from Bank service. He is not competent to represent workman. Second party Bank is incorporated under SBI Act 1959 for appointment of staff, sub staff. As per policy of the Bank, sub staff is appointed after following recruitment process, names sponsored through Employment Exchange, candidates are selected after interview. Workman was not appointed following such selection process. It is submitted that services of workman were utilized as per exigencies for few hours. Workman was paid agreed wages. The disengagement of workman is covered under Section 2(oo)(bb) of ID Act. Workman was not terminated by Second party. It is further submitted that first party is not covered as workman under ID Act. There is no employer employee relationship between parties. The daily wage employees are not entitled for reinstatement. Second party has referred to ratio held in various cases and submits that workman is not entitled to reliefs claimed by him.

On the basis of evidence on record, the reference was decided by my Learned Predecessor vide his Judgment/Award dated 17.04.2015 following Award was passed.

“The action of the management of State Bank of Indore in terminating the services of Shri Rajkumar Samarwal w.e.f. 04.01.1997 is not proper and legal.

Second party is directed to pay compensation Rs. 1,00,000/- (Rupees One Lacs) to the Workman within 30 days from the date of publication of Award.

In case of default, amount shall carry 9% interest per annum from the date of Award till its realization.”

The workman preferred a *Miscellaneous Petition No. 1347/2017 before the Hon’ble High Court of MP* which was finally decided by Single Bench of Hon’ble High Court after hearing the parties vide its order dated 25.07.2025 with following observations.

“It is submitted by Learned Counsel for the petitioner that other similarly situated employees filed writ petitions which have been allowed, however, in the Writ Appeal, the same has been set-aside and the award of 50% back wages passed by the CGIT has been upheld, therefore, this Court is of the considered opinion that the case of the other employees which has been decided vide order dated 14.11.2019 in writ appeal No. 1431/2018 and other connected matters, is akin to the case of the petitioner, therefore, the petitioner is also entitled for the same relief as granted by this Court in the aforesaid writ appeal.”

It is in the light of the aforesaid observations and directions of the Hon’ble High Court the matter has been taken by this Tribunal again.

I have heard argument of Learned Counsel for the Applicant Workman Mr. A.K. Singh and Mr. Pranay Choubey Learned Counsel for the Management Bank and have gone through the record.

Though, the Learned Counsel for Management Bank has submitted that compensation in the case in hand will be a adequate remedy.

I am not inclined to accept his argument in the light of the finding of Hon’ble High Court in its aforesaid order which has been produced earlier. Hon’ble High Court is of considered opinion that the case of other employees which has been decided by *Division Bench of Hon’ble High Court in WA No. 1431/2018* and other connected matters in which the order with respect to reinstatement of the workman with 50% back wages has been upheld and has further stated that the petitioner i.e. the workman is also entitled to same

relief. Hence, in the light of this finding which is binding on this Tribunal, the reference is answered as follows :-

AWARD

The action of Management of State Bank of Indore (now State Bank of India) in terminating the services of the Rajkumar Samarwal w.e.f. 04.01.1997 is held unjustified and he is held to be reinstated with 50% back wages from the date of his termination. He shall be deemed to be in service from the date of his termination and shall also be entitled to other consequential benefits as per law namely, consideration for permanent status and regularization.

This order shall be complied with and dues calculated shall be paid to him within 60 days from the date of this Award failing which interest @6 % per annum from the date of Award till payment.

No order as to cost.

DATE:- 05.02.2026



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