

After registering the case on the basis of the reference, notices were sent to the parties and where served. They appeared and filed their respective statements of claim and defense.

The case of the workmen union is that, the workmen Abdul Wahab was appointed by Bank Manger of the Bank on the post of the messenger wide oral Act 02/05/1990 and continued in service till 11/12/1998 where his service was terminated without any notice and compensation. Further that, the workmen Abdul Wahab was appointed by Bank Manger of the Bank on the post of the messenger wide oral Act 02/05/1990 and continued in service till 11/12/1998 where his service was terminated without any notice and compensation. The workmen was re-engaged on the same post and on the same Branch from 01/01/1999 and continued till 26/06/2015 when his service again terminated by the Bank. He was entitled for the bonus work done by him which was not paid by Bank which is in violation of payment of The Bonus Act. This action of bank not paying him bonus at the rate 20% is on just an arbitrary he be held entitled to bonus at rate of 20% for said period.

Case of the Bank mainly is that, the workmen was engaged as daily wager for which he has paid his wages and notice pay with retrenchment compensation 11/12/1998 he was not engaged from the period 23/05/1999 to 26/06/2015 as claimed by you. Hence is not entitled to bonus.

In evidence the union or the workmen did not file any affidavit or document the management bank also did not file any documents.

I have heard argument of Learned Counsel for union Mr. Arun Patel and Mr. Praveen Yadav Learned Counsel for the bank. I have gone through the records as well.

The reference itself is issue for determination

The initial burden to prove its case is on union and workmen.

In absence of evidence the workmen union is held to have failed in discharging then burden.

Hence in the light of above discussion and finding the reference deserve to be answered against the workmen union and stands answered accordingly.

No order as to cost.

DATE:- 02-02-2026

(P.K.SRIVASTAVA)
PRESIDING OFFICER

