

ORDER SHEET
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JABALPUR (M.P.)

Date of Order of Proceeding	Order Or Proceeding with Signature of Judicial Member	Remark
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Case No. CGIT/LC/RC/17/2025
Vikas Kalyani V.s. I.D.B.I. Bank

29.04.2026	<p>Matter taken up.</p> <p>Learned Counsel Mr. Somesh Awasthi present for Applicant Workman and Mr. Aman Sahu, Learned Counsel present for Management.</p> <p>Heard both the sides on preliminary issue as follows –</p> <p><i>Whether, the petition is maintainable as such?</i></p> <p>Perused record.</p> <p>It comes out that, the Applicant Workman was terminated by Bank on 24.03.2014, he filed a Writ Petition challenging his termination before Hon'ble High Court M.P. which was registered as W.P. No. 4417/2015 and was decided vide order dated 19.11.2024 after hearing. It was held that, the writ was not maintainable before the Hon'ble High Court and the petitioner workman had opportunity to avail remedy before proper forum.</p> <p>It is thereafter, the workman raised dispute before the Conciliation Officer, which could not be conciliated within 45 days of raising dispute, he obtained a certificate in this respect and filed the present petition under Section 2(A)(2&3) of the Industrial Disputes Act, 1947 challenging his termination.</p> <p>Objection has been taken from the side of Bank with the submission that the Section 2-A (2&3) of the Act provides that in a case of dismissal or termination by way of disengagement etc, the workman may raise a dispute within 03 years from the date of termination of his service and if the dispute is not settled within 45 days from the date of raising it, he may approach directly to the Tribunal and filed a petition against his termination.</p> <p>According to Learned Counsel for the Management</p>	
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	<p>that, since the dispute itself was raised after 10 years, the petition could not have been filed directly before this Tribunal. Hence, it is not maintainable.</p> <p>On the other hand, Learned Counsel for the Workman has submitted that, this period of 10 years was taken because he was personating remedy before Hon'ble High Court, hence this period should be condone and the petition should be held maintainable, otherwise the workman will be put to great hardship and injustice.</p> <p><i>Section 2-A (2&3) of the Act is being reproduced as follows –</i></p> <p><i>2A. Dismissal, etc., of an individual workman to be deemed to be an industrial dispute.—</i></p> <p><i>(1) Where any employer discharges, dismisses, retrenches, or otherwise terminates the services of an individual workman, any dispute or difference between that workman and his employer connected with, or arising out of, such discharge, dismissal, retrenchment or termination shall be deemed to be an industrial dispute notwithstanding that no other workman nor any union of workmen is a party to the dispute.</i></p> <p><i>(2) Notwithstanding anything contained in section 10, any such workman as is specified in sub-section (1) may, make an application direct to the Labour Court or Tribunal for adjudication of the dispute referred to therein after the expiry of forty-five days from the date he has made the application to the Conciliation Officer of the appropriate Government for conciliation of the dispute, and in receipt of such application the Labour Court or Tribunal shall have powers and jurisdiction to adjudicate upon the dispute, as if it were a dispute referred to it by the appropriate Government in accordance with the provisions of this Act and all the provisions of this Act shall apply in relation to such adjudication as they apply in relation to an industrial dispute referred to it by the appropriate Government</i></p> <p><i>(3) The application referred to in sub-section (2) shall be made to the Labour Court or Tribunal before the expiry of three years from the date of discharge, dismissal, retrenchment or otherwise termination of service as specified in sub-section (1).</i></p> <p>There is no provision of condoning the time period in the Act for filing the application directly. Learned Counsel could not cite any judgment in this respect. There is no direction by Hon'ble High Court to ignore the time consumed in prosecuting the writ proceedings</p>	

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	<p>before it. Hence, the petition itself cannot be entertained by this Tribunal in this case.</p> <p>On the proportion that it is open for the Applicant Workman to request the Central Government/Authorized Officer to make a reference to this Tribunal with respect to dispute.</p> <p>Learned Counsel for Management submits that, this is also not possible in law because the Conciliation Officer has taken one option but I am not inclined to accept this argument. If the dispute cannot be settled by way of conciliation, and the petition under Section 2-A (2&3) of the Act is not maintainable because the dispute was raised beyond period of three years of the termination of the services of the workman, the second route available to the Applicant workman is to get the dispute referred to this Tribunal. The Conciliation Officer/Authorized Officer/Central Government will be under obligation to refer a dispute in this respect to this Tribunal for the sake of avoiding injustice to the Applicant Workman and are directed accordingly.</p> <p style="text-align: center;"><u>ORDER</u> जयते</p> <p>The petition is held not maintainable and stands dismissed. The workman is at liberty to approach the Authorized Officer/Central Government for referring a dispute to the Tribunal. The Authorized Officer/Central Government shall be under obligation in law to refer the dispute accordingly and are directed to act accordingly within the definite time frame i.e. within 30 days from the date of petition of copy of this Order before them.</p> <p>No order as to cost.</p> <p style="text-align: right;">Presiding Officer</p>	

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