

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1464 of 2023
In
Civil Writ Jurisdiction Case No.3708 of 2013

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The Management of Punjab National Bank Ramchandrapur, Biharsharif, through its Senior Manager, Punjab National Bank, City Branch, Bhagalpur, Bihar.

... .. Appellant/s

Versus

1. The Union of India
2. The Industrial Tribunal, Shram Bhawan, Bailey Road, Patna, through its Presiding Officer.
3. The Presiding officer, Industrial Tribunal, Bailey Road, Patna.
4. The Government Industrial Tribunal No.1, Dhanbad, Jharkhand through its Presiding officer.
5. The Presiding Officer, Government Industrial Tribunal No.1, Dhanbad, Jharkhand.
6. Sanjay Kumar Paswan, S/o Late Anil Paswan, Resident of Mohalla, Mohaddinagar, PO. Mirjan Hat, District Bhagalpur, Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Suresh Prasad Singh No. 1, Advocate
Ms.Kumari Rashmi, Advocate
For the Respondent/s : Dr. K.N.Singh, A.S.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

4 02-02-2026 The present *intra* court appeal has been preferred against the order dated 08.08.2023 passed by the learned Single Judge of this Court in CWJC No. 3708 of 2013, whereby the writ petition filed by the appellant- Bank was dismissed and the Award dated 01.06.2012 passed by the Central Government Industrial Tribunal No.1, Dhanbad, Jharkhand in Reference



Case No. 68 of 2006 was upheld.

2. The brief facts necessary for adjudication of the present appeal are that the private respondent–workman claimed to have been engaged as a Peon with the appellant Bank during the period July 1989 to September 2003. Upon termination of his services, an industrial dispute was raised, which was referred for adjudication to the Central Government Industrial Tribunal No.1.

3. The Tribunal while adjudicating the dispute, framed the following issue:

“Whether it is fact that Shri Sanjay Kumar Paswan was employed by the management of Punjab National Bank during the period from July 1989 to September,2003? If yes, whether the action of the management of Punjab National Bank, Patna in terminating the services of Shri Sanjay Kumar Paswan, Peon, City Branch, Bhagalpur without complying Section 25-F of I.D. Act is legal and or justified? If not, what relief Shri Sanjay Kumar Paswan is entitled to?”

4. Upon consideration of the materials available on record, the Tribunal recorded the following findings:

“9. Considering the above facts and circumstances, it shows that the concerned workman worked with the management from July 1989 to September, 2003 continuously and as such he completed more than 240 days attendance in each calendar year. So, the action of the management of Punjab National Bank, Patna in terminating the services of Shri Sanjay Kuamr Paswan, Peon, City Branch without complying section 25-F of the I.D.Act is not legal and justified. Accordingly, the concerned workman is entitled to be reinstated and regularised in the services of the management as a Peon. The management is directed to reinstate and regularise the concerned workman, Sanjay Kumar



Paswan, as a Peon within 30 days from the date of publication of the award.”

5. Aggrieved by the aforesaid order, the appellant-Bank preferred CWJC No. 3708 of 2013, seeking the following reliefs:

“a. For the issuance of writ in the nature of Certiorari to quash the Award dated 01.06.2012 passed in Reference Case No. 68/2006 between “Sanjay Kumar Paswan” & The Management of Punjab National Bank, by the Central Government Industrial Tribunal No. 1, Dhanbad, Jharkhand wherein the petitioner bank has been directed to reinstate and regularise the Respondent No. 6 as a peon within 30 days from the date of publication of the award.

b. For the issuance of any other writ/writs, order/orders and/or direction/directions as may be deemed fit and proper in the facts and circumstances of the case.”

6. After hearing the parties, learned Single Judge dismissed the writ petition vide order dated 08.08.2023 and made the following observations:

“7. A perusal of the order passed by the Hon’ble Supreme Court shows that under similar circumstances the Hon’ble Supreme Court while allowing the SLP has upheld the order of the Industrial Tribunal and the Hon’ble Supreme Court while dealing with the question as to whether the Industrial Tribunal has exceeded jurisdiction while directing reinstatement of the workers has held as under :

“10..... The findings recorded by the Tribunal to the effect that the appellant was engaged by the Management of the Bank on regular basis from 1998 to 2001, i.e., for more than three years, was certainly in the context of the claim as raised by the appellant. In the totality of the circumstances it could not therefore be held that the regularization or the fact that the appellant was entitled to be accommodated on regular basis was not an issue before the Tribunal. The Tribunal, in our considered view, was right and justified in arriving at said conclusion.

11. According to us, the Division Bench ought not to have interfered in the matter and set-aside the



conclusions drawn by the Tribunal which were affirmed by the Single Judge of the High Court.

12. We, therefore, allow this appeal, set-aside the view taken by the Division Bench and restore the award passed by the Tribunal, as affirmed by the Single Judge of the High Court.”

8. Having regard to the above order of the Hon’ble Supreme Court and the impugned order which reveals that the Tribunal was well within its power in directing the reinstatement of the worker and also regularizing his services.”

7. We have considered the submissions advanced by the learned counsel for the appellant and perused the materials available on record, including the Award of the Tribunal and the order passed by the learned Single Judge.

8. Upon such consideration, this Court finds that the Tribunal recorded a clear and reasoned findings of fact based on evidence, holding that the workman had rendered continuous service for more than 240 days in each calendar year and that his termination was carried out in blatant violation of Section 25-F of the Industrial Disputes Act. These findings have neither been demonstrated to be perverse nor shown to be unsupported by the record.

9. This Court further finds that the learned Single Judge rightly refused to interfere with the Award, having regard to the settled legal position laid down by the Hon’ble Supreme Court that where termination is found to be in violation of Section 25-F, reinstatement with consequential benefits is a



permissible and justified relief, depending upon the facts of each case.

10. The Tribunal's direction for reinstatement and regularization was based upon the length and continuity of service rendered by the workman and cannot be said to be arbitrary or beyond jurisdiction. The learned Single Judge was, therefore, fully justified in affirming the Award.

11. In view of the findings recorded by the Tribunal and affirmed by the learned Single Judge, we do not find any infirmity, illegality or perversity in the impugned order warranting interference in appellate jurisdiction.

12. Accordingly, the present appeal stands dismissed.

13. Pending application, if any, shall also stand disposed of.

(Sudhir Singh, J)

(Rajesh Kumar Verma, J)

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