

(2019) 11 SC CK 0186

In the Supreme Court Of India

Case No : Civil Appeal No(S). 7576, 7577, 7578, 7579, 7580 Of 2011

Assistant General Manager, Syndicate Bank

APPELLANT

Vs

K.P. Haridas

RESPONDENT

Date of Decision : 21-11-2019

Acts Referred:

Industrial Disputes Act, 1947 — Section 25F

Citation : (2019) 11 SC CK 0186

Hon'ble Judges : Mohan M. Shantanagoudar, J; Krishna Murari, J

Bench : Division Bench

Advocate : Puneet Taneja, Laxmi Kumar, A. Raghunath, P. V. Dinesh, Sindhu T.P., Mukund P. Unny, Bineesh K., Ashwini Kumar Singh

Final Decision : Allowed

Judgement

Heard learned counsel for the parties.

The respondents in these appeals are all deposit collectors (Pigmy Agents) and they were collecting deposits for and on behalf of the appellant/bank. The contracts were terminated on different dates (prior to 1990). The respondents approached the Industrial Tribunal which directed the appellant/bank to reinstate the respondents and to pay the back wages. The said order is confirmed by the High Court.

In our considered opinion, the Industrial Tribunal as well as the High Court were not justified in passing such orders in favour of the respondents inasmuch the respondents were merely deposit collectors. They were not permanent employees of the bank. In this regard, it would be beneficial to note the following observations of this Court in the case of "Indian Banks Association versus Workmen of Syndicate Bank and others" reported in (2001) 3 SCC 36:

"Mr. Nageshwar Rao is right in his submission that the concession was not binding on his clients. However, what has been conceded has been correctly conceded. No question arose of directing absorption of the Deposit Collectors as

regular workmen, No such demand had been made and, therefore, there could have been no such direction. Such direction were beyond the reference. Even otherwise, the question of absorption would be fully covered by an authority of this Court in the case of Union of India & ors. v. K.V. Baby & Anr., reported in (1999) 1 LLJ 1290. In this case it has been held that persons who are engaged on the basis of individual contracts to work on commission basis cannot be equated with regular employees doing similar work. It has been held that the mode of selection and qualifications are not comparable with those of the employees, even though the employees may be doing similar works. In the present case, not only are the modes of selection and qualifications not comparable, but even the work is not comparable. The work which the Deposit Collectors do is completely different from the work which the regular employees do. There was thus no question of absorption and there was also no question of the Deposit Collectors being paid the same pay scales, allowances and tower service conditions of the regular employees of "the banks.

So also this Court in other similar case "A.P.Bank Deposit Collectors Association & Anr. Versus State of Bank of India & Anr."

observed thus:

"Learned counsel has referred to the decision of this Court rendered in Indian Banks Association vs. Workmen of Syndicate Bank and others, 2001(3)SCC 36. In that case the dispute was raised that the employees working in the Janata Deposit Scheme should be absorbed as regular workmen. While this Court said that employees in Janata Fixed Deposit Scheme were held to be workmen, the direction for absorption as a regular workman has been rejected. A contention has, therefore, been raised that since the employees of Janata Deposit Scheme are workmen they are entitled to retrenchment compensation under Section 25F of Industrial Disputes Act. This contention, in our opinion, has no substance. As already noted, the Scheme itself has been abandoned by way of policy decision and, therefore, we do not see any infraction of Section 25F of the Industrial Disputes Act. For the reasons stated above, all these transferred cases are disposed of. The writ petitions stand dismissed."

In view of the aforementioned observations made by this Court in similar matters that the respondents cannot be reinstated and cannot be paid wages also, the impugned judgment is set aside. The appeals are allowed.