(2026) 01 JH CK 1905

In the Jharkhand High Court

Case No : Writ Petition (S) No. 6999 Of 2016

Central Bank Of India APPELLANT

Vs

Pradeep Mandal, S/o Late, Ram Mandal RESPONDENT

Date of Decision : 27-01-2026

Acts Referred:

Constitution of India, 1950 — Article 14, 226
Industrial Disputes Act, 1947 — Section 10(2A(i)(d)

Citation : (2026) 01 JH CK 1905

Hon'ble Judges : Deepak Roshan, J

Bench : Single Bench

Advocate : Amrita Sinha, Saurabh Raj, Shweta Suman, Pragunee Kashyap, Rahul Kumar

Final Decision : Dismissed

Judgement

Deepak Roshan, J

1. Heard learned counsel for the parties.

2. The instant writ application has been preferred by the petitioner for quashing the Award dated 23.02.2016 passed by the Learned Presiding Officer, Central Government Industrial Tribunal No.1, Dhanbad in Reference Case No. 24 of 2014; whereby the Ld. Tribunal held that the action of the Management in not regularizing the services of the respondent-workman is unjustified and had directed the Bank to regularize the workman against a regular vacant post of Driver/Peon within 30 days from publication of the Award.

3. It has been submitted by Ld. Counsel for the petitioner-Bank that the workman was never appointed by the Bank, either orally or in writing, and was merely a personal driver of Bank executives whose salary was reimbursed as per internal policy.

4. It has further been argued that there existed no employer-employee relationship between the Bank and the respondent and hence, no legitimate

industrial dispute existed between the parties for reference and adjudication u/s 10(1)(d) of the I.D. Act.

5. It has also been argued that regularization of the other three drivers, whose reference for adjudication was made and they having been regularized during the pendency of the proceedings before the learned CGIT does not confer any legal right upon the respondent workman to be regularized.

6. It has further been contended that recruitment in a nationalized bank should confirm and follow statutory recruitment rules and advertisement process, and the Award for regularization of services of the workman dehors rules, is impermissible.

7. In order to buttress her argument, the Ld. Counsel placed reliance upon the decision rendered in the case of Punjab National Bank v. Ghulam Dastagir reported in (1978) 2 SCC 358 to argue that personal drivers of officers cannot claim regularization against the Bank.

8. Ld. Counsel for the respondent- workman had submitted that he has been in continuous engagement since 05.05.1988; driving the vehicle owned, maintained, fueled, and controlled by the Central Bank of India for official duties of its Regional Manager.

9. Learned counsel for the workman has further relied and referred to the manner and source from which he was drawing the monthly wages and also drew parity from the other three workmen, whose services had been regularized.
10. Learned counsel for the workman stressed upon the seniority list of the Drivers, which is annexed at Page No. 76 to the writ petition, which contains a list of 09 nos. of similarly placed drivers along with their date of joining and posting and in the said list, the name of the respondent- workman is at Sl. No.1; whereas the name of Sri Madan Gopal Prasad, Sri Raendra Prasad Srivastava and Sri Vijay Prasad Gupta figures at Sl. No. 2, 3 and 4.

11. Learned counsel had also relied upon the exhibited documents (W-9 and W-12 Series) to prove that the vehicle was owned by the Bank and deployed exclusively for official work. All operational expenses were borne by the Bank, demonstrating effective control, supervision, and integration with Bank's business.

12. At this juncture, it is very relevant to take into consideration, the reference made under Clause(d) of sub- section (i) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, which reads as under: -

"Whether the action of the Management of Central Bank of India in not regularizing Sri Madan Gopal Prasad, Sh. Rajendra Prasad Srivastava, Sh. Pradeep Mondal and Sri Vijay Kumar Gupta is justified? If not, what relief the workmen are entitled to ?"

There has been no challenge to the reference by the Bank and during the pendency of the present proceeding before the learned CGIT, the three other workmen, save and except Pradep Mandal; had been regularized as Driver and hence, the Management had filed a petition for dropping of their names and it is very surprising and shocking that the present workman, who had been at Sl. No.1 of the seniority list had been left out.

This clearly goes to show that it is a case of gross discrimination of the present workman who had been left out and the Bank had also failed to justify its stand as to why it has chosen not to extend equitable benefits to the present workman, who had been in continuous service since 05.05.1988. The certificates issued by the officials of the Bank do mention that the services of the workman had been very good and hence, they had referred his case for regularization and despite of the same, there can be no justification in singling out the present workman.

13. The Ld. Tribunal had taken note of the fact that out of four similarly situated drivers, three had been regularized by the Bank, and only the present respondent-workman was denied parity without justification. The Tribunal had correctly appreciated the evidence, including certificates of Regional Managers and continuous service records, establishing functional employment of the workman with the Bank.

14. The law is no more res integra that while sitting in the writ jurisdiction under Article 226 of the Constitution of India, particularly certiorari jurisdiction, there is a very limited jurisdiction to be exercised only for correcting errors of jurisdiction committed by the Courts or Tribunals. The finding of fact recorded by a Tribunal cannot be interfered with.

15. The Hon'ble Supreme Court of India in the case of Syed Yakoob Vs. K.S. Radkrishanan, reported in AIR 1964 SC 477 has held that the finding of facts by a Tribunal which has been clothed to deal with them should be treated as final until and unless it is shown that the same is based on no evidence. The principle for issuance of a writ of certiorari has been discussed by the Hon'ble Supreme Court in the case of State of Orissa Vrs. Bidyabhushan Mahopatra, reported in AIR 1963 SC 779, wherein the Hon'ble Apex Court has held that any order passed on the basis of relevant and existing ground cannot be ordinarily interfered with.

16. Learned counsel for the Petitioner has relied upon the judgement rendered in the case of Punjab National Bank Vrs. Ghulam Dastgir (Supra), which had been considered by the Division of this Court in the case of Employer in Relation to Management of Central Bank of India Versus Workmen represented through Deputy General Manager, in L.P.A. No. 465/2022 in an identical case where one of the parties had been the Management of the Central Bank itself and the workman had been a Driver, whose services had been directed to be regularized and the learned Single Judge had not interfered with the Award.

In the said Letters Patent Appeal also reference had been with respect to non-regularization of 04 nos. of workmen and out of them three had been regularized and the Co-ordinate Bench while taking into account the Award based on relevant materials had found no illegality in the same. It appears from the factual consideration that the matter of the left-out Driver had been same and similar and the learned Writ Court had compared the case of left out Driver and others who had been regularized.

17. The Division Bench of this Court in the L.P.A. No. 465/2022 has considered the submissions at paragraph-5 of the judgement in the case of Punjab National Bank Vrs. Ghulam Dastgir (Supra) and vide its judgement dated 14.8.2023 has observed at para-17, 18 and 19 in the following manner:-

"17. So far as in the judgment passed by Hon'ble Supreme Court reported in (1978) 2 SCC 358 (Punjab National Bank Vs. Ghulam Dastagir) is concerned, the Hon'ble Supreme Court has specifically observed in para 5 as follows:"5.We are impressed with Shri Khera's appeal to us that the system of allowances in a country where there is unemployment may lead to individual injustice with an exploitative edge. It is likely that if the Bank had to employ drivers for their vehicles, the terms and conditions would have been much higher but in the private sector individual drivers may be hired on lower pay. This is not a desirable tendency for a public sector undertaking like a nationalised Bank. We hope that the possibility of abuse of the system of drivers' allowances and the obligation of the public sector undertakings to be model employers will lead to a change in the approach of our nationalised banks and other public sector undertakings towards this issue of employing persons on a private basis by senior officers and the management itself giving some small sum by way of allowances in lieu of procuring such services. A fair and straightforward method would be for the Bank or like institution to engage its own driving staff. It is also important to remember that the vehicles belong to the industry and if drivers hired on a private basis by officers are allowed to use such vehicles, there may be potential damage and reckless use. In the long run, both from the point of view of employment morality and preservation of institutional property, it may be wise to revise the approach to the issue like the one we are confronted with. Of course, on the facts in this case we have decided what we consider is the only conclusion possible. Even so, this does not preclude the banking institutions and like undertakings adopting a different policy which we consider will be commendable."

18. In the said case, the Hon'ble Supreme Court has taken note of the fact as to the manner in which the drivers are being employed in the banks which could lead to their exploitation. The observation made by the Hon'ble Supreme Court as back as in the year 1978 has remained as observation only and it appears that the practice to engage drivers, taking work for years together but not taking them in employment has continued with the public sector banks. It appears that the present case of Sudama Sharma is one such instance. The respondent Sudama Sharma in his deposition before the learned Industrial Tribunal had also stated that he was rendered unemployed after being removed on 21st May 2007.

19. Considering the totality of facts and circumstances, this Court finds it proper to dismiss this appeal with cost on the appellant to the extent of Rs.20,000/- to be paid by the appellant to Sudama Sharma by remitting the amount directly in his bank account within a period of one month from the date of furnishing of the details of the bank account by respondent- workman Sudama Sharma."

The order passed in L.P.A. No. 465/2022 has been assailed by the Bank before the Hon'ble Supreme Court of India in S.L.P.(C) No. 7442/2024 and the same has been dismissed vide order dated 12.2.2025.

18. It further transpires from the records, which has duly been considered by the learned Tribunal, that the claim of the workman herein, who had also been working since 1988 is at parity with three other workmen, who had already been regularized and the Bank cannot adopt different yardstick or resort to preferential and differential treatment. 19. The Hon'ble Supreme Court of India in the case of Harinandan Prasad and another Vs. Employer I/R to Management of Food Corporation of India and another, reported in (2014) 7 SCC 190 has observed at para-39 as follows:-

"On harmonious reading of the two judgments discussed in detail above, we are of the opinion that when there are posts available, in the absence of any unfair labour practice the Labour Court would not give direction for regularization only because a worker has continued as daily wage worker/adhoc/temporary worker for number of years. Further, if there are no posts available, such a direction for regularization would be impermissible. In the aforesaid circumstances giving of direction to regularize such a person, only on the basis of number of years put in by such a worker as daily wager etc. may amount to backdoor entry into the service which is an anathema to Art.14 of the Constitution. Further, such a direction would not be given when the concerned worker does not meet the eligibility requirement of the post in question as per the Recruitment Rules. However, wherever it is found that similarly situated workmen are regularized by the employer itself under some scheme or otherwise and the workmen in question who have approached Industrial/Labour Court are at par with them, direction of regularization in such cases may be legally justified, otherwise, non-regularization of the left over workers itself would amount to invidious discrimination qua them in such cases and would be violative of Art.14 of the Constitution. Thus, the Industrial adjudicator would be achieving the equality by upholding Art. 14, rather than violating this constitutional provision."

The violation of equality and discrimination is violative of Article 14 of the Constitution of India and the Courts of law cannot shut its eye to invidious discrimination.

20. Having regard to the above discussions and the settled proposition of law, this Court holds that the Award passed by the learned CGIT does not suffers from any illegality. The Award is based on consideration of relevant materials and evidences, which cannot be interfered with in exercise of certiorari jurisdiction.

No extra ordinary grounds or perversity is being made out for interference and hence, no relief can be granted to the Petitioner-Bank.

21. As a result, the instant application stands dismissed. Pending I.A.s, if any, also stands closed.

