
(1957) 01 P&H CK 0027
In the Punjab And Haryana At Chandigarh

Punjab National Bank Ltd.	Vs	APPELLANT
Ram Kanwar and Another		RESPONDENT

Date of Decision : 04-01-1957

Acts Referred:

Constitution of India, 1950 — Article 226
Industrial Disputes Act, 1947 — Section 10, 11

Citation : (1957) 1 LLJ 542

Hon'ble Judges : Khosla, J

Bench : Single Bench

Judgement

Khosla, J.—This is a petition under Article 226 of the Constitution by the Punjab National Bank, Ltd., The matter relates to an industrial dispute which was referred u/s 10 of the Industrial Disputes Act, 1947. The petitioner bank challenges an interlocutory order made by the tribunal calling upon the bank to produce and prepare certain documents and statements.

2. The circumstances in which the order was made are briefly these. On 2 September 1953, the dispute between the bank and certain employees was referred to the tribunal. Evidence was taken by the tribunal and on 10 February 1955 the Employees' Federation closed their case. The next day the petitioner bank started producing its evidence and on 21 March 1955 the bank's case was closed. On 5 March 1955, an application was made by the federation for the production of certain documents and other material. Objection was taken to this on several grounds and it was contended by the bank that some of the items given in the federation's application were not in existence, others were in the nature of confidential documents while others were irrelevant and would have to be prepared because they did not exist in the form in which they were required. After hearing the objections of the bank the tribunal ordered the production of some of the items.

3. None of the documents had been mentioned by the Employees' Federation in the list of documents which they wished to rely upon and it is quite clear that

had the dispute been a civil suit being tried under the provisions of the CPC the application of 5 March 1953 made by the Employees' Federation would undoubtedly have been dismissed. The contention of the bank is that the tribunal is governed by the provisions of the CPC in the matter of calling witnesses and taking evidence. My attention was drawn to Section 11 of the Industrial Disputes Act and it was pointed out that in all matters concerning the calling of witnesses, enforcing their attendance, issuing commission and "compelling the production of documents and material objects" the tribunal is governed by the Code of Civil Procedure. The order passed by the tribunal was in this case illegal because under the CPC a request of the type made by the Employees' Federation could not have been granted.

4. There were nine items mentioned in the list. Of these there is now no dispute with regard to items 1, 2, 3, 4 and 9. The learned Counsel for the respondents frankly conceded that these documents were not required because they did not exist. Items 6 and 7 are proceedings books of the board of directors' meetings. In my view these are confidential matters which cannot as a matter of right be demanded by the other party particularly when no mention was made of them in the list of the documents relied upon. Any matter which was relevant to the dispute between the parties could have been elicited by questions from witnesses and by the oral testimony of any of the directors. To order a bank to produce its minutes book is not in my view a commendable practice, unless there is no other course open because minute books are confidential documents and no bank wishes its business matters to be publicized. Item 5 would have to be prepared after a great deal of labour and Section 11 does not in my view contemplate the preparation of evidence by one party for the benefit of the other. Item 8 relates to information which is available in the office of the Registrar of Joint Stock Companies and the respondents could have obtained this information from there.

5. The Employees' Federation to this case were trying to fill the gaps in their own case by compelling the bank to make a research into certain matters, prepare statements and produce them in Court along with confidential information of their business dealings and what the directors said at the board meetings. The order of the tribunal appears to me to be wholly contrary to law. It exceeds the powers given to industrial tribunals by Section 11 of the Act and is liable to be quashed on the ground that it is an error apparent on the record. Proceedings before industrial tribunals should be conducted as far as possible in the same way as a judicial proceeding. The Madras High Court considered a somewhat similar case in *Mettur Chemical and Industrial Corporation Ltd. Vs. Their Workers*, and held that the tribunal had erroneously assumed jurisdiction in ordering inspection of accounts. This seems to me a fit case for interference and I therefore allow this petition and quash the order of the tribunal made on 18 March 1955 by which the petitioner bank was ordered to produce certain documents. The dispute before the tribunal may be proceeded with and disposed of according to law. The bank will recover costs of this petition which I assess at Rs. 100.