

(2020) 12 DEL CK 0058

In the Delhi High Court

Case No : CONT.CAS(C) No. 609 Of 2020, Civil Miscellaneous Application No. 25159 Of 2020

Secretary Delhi General Workers Union

APPELLANT

Vs

Vijay Kumar Uppal General Manager, Union Bank Of India
(Corporation Bank Before Merger Of Banks)

RESPONDENT

Date of Decision : 08-12-2020

Acts Referred:

Industrial Disputes Act, 1947 —. Section 10(2A)

Citation : (2020) 12 DEL CK 0058

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Aayushi Jain, Rajat Arora

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J

1. This hearing has been done through video conferencing.
2. The present contempt petition has been filed by the Petitioner-Union on behalf of two Workmen - Mr. Ashok Kumar and Mr. Gangadhar

Kushwaha on the ground that the Respondent-Bank is in violation of the interim order dated 6th April, 2018 passed in W.P(C) 3296/2018 titled

Corporation Bank v. Secretary Delhi General Workers Union.

3. The brief background is that both the Workmen were working as drivers in the Bank under executives of the Bank. They were directed to be

reinstated by the CGIT vide award dated 29th November, 2017. The said award has been challenged before this Court in W.P.(C) 3296/2018 wherein

the order dated 6th April, 2018 had been passed, which reads as under:-

â??XXXX

W.P.(C) 3296/2018 & CM No.12923/2018

1. By the impugned Award dated 29.11.2017, the Industrial Adjudicator on making a reference dated 23.12.2013 under sub section (2A) of

Section 10 of the Industrial Disputes Act had directed the petitioner management to regularise the services of the workman whose names are

mentioned in Annexure â??Iâ?? annexed to the reference.

2. Learned counsel for the petitioner submits that these workmen were in fact personal drivers of the executive/managerial staff and there

was no relationship of employer and employee between the petitioner and workmen. However, he submits that the petitioner Bank has laid

down the policy/guidelines for absorption of such personal Drivers with it as regular sub-staff and Peon-cum-Driver. He also admits that

the factual position as observed by the Industrial Adjudicator that pursuant to the said policy guidelines of the petitioner Bank, the services

of Shri Babu Lal, Surender Lal, Baldev Kumar and Sanjeev Kumar mentioned in Annexure â??Iâ?? have already been regularised. He

submits that they have no hitch even to regularise the rest of the workmen mentioned in Annexure-1 subject to their meeting out the requisite

criteria as per the policy guidelines of the petitioner Bank.

3. On taking steps, issue notice to the respondent by all permissible modes.

4. List on 19.11.2018. Meanwhile, neither the petitioner nor the concerned respondents shall take any coercive steps against each other till

the next date of hearing.â??

4. The allegation of the Workmen is that both of them have been terminated despite the above interim order. On 7th October, 2020, Mr. Arora, Id.

Counsel submitted that the Workmen can report to the Zonal Office and the order dated 7th October, 2020 would be complied with.

5. The status report has been filed today in which the Bank has informed that both the Workmen had reported to work. Mr. Ashok Kumar had

reported to Mr. L.S. Puri on 12th October, 2020 and was attached with Mr. Devneel Pander, Deputy Regional Head as his personal driver. Mr.

Gangadhar did not report on the 12th but had reported on 19th October, 2020 and he was attached to Mr. A. Rajesh, Assistant General Manager as

his personal driver.

6. However, the Court is now informed that Mr. Ashok Kumar stopped reporting to the Bank around late October, 2020. Be that as it may, recently

on 4th December, 2020, this Court has passed a detailed judgment directing regularization in Corporation Bank (supra) and the connected writ

petitions. The said judgment would cover the two Workmen whose employment is subject matter of this contempt petition.

7. Considering that the Bank has purged itself, as per the status report and also a detailed judgment has now been passed finally disposing of the main

writ petition, no further orders are called for in the contempt. The Bank shall be bound by the directions issued in Corporation Bank (supra) and

connected petitions, subject to any legal remedies that may be availed of by the Bank.

8. The contempt petition is disposed of in the above terms. All pending applications are also disposed of.