

**Bank of India Vs. Bank of India Workers' Organisation and Anr.**

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**SooperKanoon Citation :** [sooperkanoon.com/361921](http://sooperkanoon.com/361921)

**Court :** Mumbai

**Decided On :** Sep-12-2001

**Reported in :** 2002(2)BomCR172; (2002)IILLJ382Bom

**Judge :** D.G. Deshpande, J.

**Appeal No. :** W.P. No. 702/1991

**Appellant :** Bank of India

**Respondent :** Bank of India Workers' Organisation and Anr.

**Advocate for Def. :** Rohit Deo, Adv. for Respondent No. 1

**Advocate for Pet/Ap. :** A.S. Jaiswal, Adv.

**Disposition :** Petition allowed

**Judgement :**

**D.G. Deshpande, J.**

1. Heard the advocate for the petitioner and the respondent.

2. The order that is challenged in this petition is order of the Central Government Industrial Tribunal dated December 11, 1990. The order is very short, but if permitted to continue, will have very disastrous consequences and therefore, it is reproduced as below:

'The appearance of the workmen involved in the present Reference, and the appearance of the Office Bearers of the Union for the purpose of the present Reference before this Tribunal be treated by the Bank Management as their duty leave, and they be paid their wages for all the days they have appeared before this Tribunal for the said purpose.'

This order came to be passed on an application of the respondent dated November 9, 1990. When such application was filed before the Tribunal, it was opposed by the petitioner i.e. the Bank by filing a written reply, wherein instances where such prayers were rejected, were quoted. Authorities were also relied upon, but without giving any consideration to the said submissions, a short, cryptic and unreasoned order came to be passed.

3. I enquired from the counsel for the parties whether any of the labour laws in force in the country or industrial laws give any power to the Tribunal to pass such order or give such concession. However, counsel for the respondent No. 1 submitted that he cannot quote any provision of law to support this order. Even otherwise, granting such application can have very serious consequences firstly because such an order will be without any legal authority and secondly because it can give rise to indiscipline, and financial implication on the employer. Therefore this order cannot be sustained. Writ petition is allowed. The impugned order is quashed and set aside. No order as to costs.