

Government of West Bengal  
Labour Department, I. R. Branch  
N. S. Building, 12<sup>th</sup> Floor, 1, K. S. Roy Road, Kolkata – 700001

No. Labr/ 102 / (LC-IR)/ 22015(16)/20/2025

Date : 21-01-2025

**ORDER**

WHEREAS an industrial dispute existed between M/s. Bandhan Bank. Ltd., Head Office at 12-14, Adventz Infinity@ 5, BN- 5, Sector - V, Salt Lake City, Kolkata – 700 091 and their workman Shri Anisur Rahaman, Village – Mirzabazar, P.O. Medinipur, District- Paschim Medinipur – 721101, regarding the issues, being a matter specified in the second schedule to the Industrial Dispute Act, 1947 (14 of 1947);


AND WHEREAS the 7<sup>th</sup> Industrial Tribunal, Kolkata has submitted to the State Government its Award dated 27.12.2024 in Case No. - 02/2022 on the said Industrial Dispute Vide e-mail dated 07.01.2025 in compliance of u/s 10(2A) of the I.D. Act, 1947.

NOW, THEREFORE, in pursuance of the provisions of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Governor is pleased hereby to publish the said Award as shown in the Annexure hereto.

**ANNEXURE**

( Attached herewith )

By order of the Governor,



Assistant Secretary

to the Government of West Bengal

No. Labr/ 102 /1(5)/(LC-IR)/ 22015(16)/20/2025

Date : 21-01-2025

Copy with a copy of the Award forwarded for information and necessary action to :-

1. M/s. Bandhan Bank. Ltd., Head Office at 12-14, Adventz Infinity@ 5, BN- 5, Sector - V, Salt Lake City, Kolkata – 700 091.
2. Shri Anisur Rahaman, Village – Mirzabazar, P.O. Medinipur, District- Paschim Medinipur –721101.
3. The Asstt. Labour Commissioner, W.B. In-Charge, Labour Gazette.
4. The OSD & EO Labour Commissioner, W.B., New Secretariat Building, 11<sup>th</sup> Floor, 1, Kiran Sankar Roy Road, Kolkata – 700001.
5. The Deputy Secretary, IT Cell, Labour Department, with the request to cast the Award in the Department's website.



Assistant Secretary

No. Labr/ 102 /2(3)/(LC-IR)/ 22015(16)/20/2025

Date : 21-02-2025

Copy forwarded for information to :-

1. The Judge, 7<sup>th</sup> Industrial Tribunal, N. S. Building, 1, K.S. Roy Road, Kolkata – 700001 with respect to his e-mail dated 07.01.2025.
2. The Joint Labour Commissioner (Statistics), West Bengal, 6, Church Lane, Kolkata - 700001.
3. Office Copy.



Assistant Secretary

IN THE SEVENTH INDUSTRIAL TRIBUNAL, WEST BENGAL  
New Secretariat Buildings, Kolkata

Present: Miss Yogita Gaurisaria, Judge,  
Seventh Industrial Tribunal,  
Kolkata.

**CASE NO. 02/2022**

Under Section 2A(2) of the Industrial Disputes Act, 1947

**Anisur Rahaman,  
Village – Mirzabazar, P.O. Medinipur,  
District- Paschim Medinipur – 721101**

**...Applicant**

**-Versus-**

**M/s. Bandhan Bank. Ltd.  
Head Office at 12-14, Adventz Infinity@ 5, BN- 5 , Sector - V ,  
Salt Lake City, Kolkata – 700 091.**

**....OP/Company**

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**This Award delivered on Friday, this the 27<sup>th</sup> day of December, 2024**

**A W A R D**

Today is fixed for passing order in respect of petition dated 02.01.2024 filed by the OP/Bank on the point of jurisdiction of this Tribunal to adjudicate the instant case.

Heard the Ld. Advocates for both the sides. Considered.

Perused the said petition and the materials on record.

It appears from the order dated 15.03.2024 that the Ld. Advocate for the applicant has chosen not to file any written objection against the said petition dated 02.01.2024.

Considering the petition and materials on record, the issue no.4 – “Whether this Tribunal has jurisdiction to adjudicate the matter in dispute?” is taken up for adjudication as preliminary issue since the same, as transpiring from the materials on record, appears to be purely question of law and could be disposed without taking any evidences thereto.

The Ld. Advocate for the OP/Bank submitted that the OP/Bank is a Banking Company having its branches in almost all the states of India and that as per Section 2(a)(i) of the Industrial Disputes Act, 1947, the “appropriate Government” for Bandhan Bank (the OP/ Bank) is the Central Government being a Banking Company. The Ld. Advocate for the OP/Bank further submitted that the industrial disputes of the institutions for which appropriate Government is the State Government can only be adjudicated by this Tribunal under section 2A(2) of the said Act. The Ld. Advocate for the OP/Bank also submitted that in the instant case, since the appropriate Government is the Central Government, the appropriate Tribunal for adjudication, if any, can only be Central Government

Industrial Tribunal and not this Tribunal. The Ld. Advocate for the OP/Company furthermore submitted that the Bandhan Bank is a banking company under Section 5 of the Banking Companies Act, 1949 and that the Banking Companies Act, 1949 came into force on 16<sup>th</sup> March, 1949 and changed to Banking Regulation Act, 1949 from 1<sup>st</sup> March, 1966, as such, the OP / Bank squarely covered under section 2(bb) of the Industrial Disputes Act, 1947 having its branches in more than one State.

Per contra, the Ld. Advocate for the applicant submitted that this Tribunal has jurisdiction to adjudicate the matter in dispute and prayed to decide the issue of jurisdiction in his favour.

The Ld. Advocate for the OP/Bank relied upon the following judgments in support of his submissions--

1. State Bank of India – vs – The Union of India decided by the Hon’ble High Court at Patna on 07.09.2018 ( in Civil Writ Case no. 14583 of 2016)
2. AIR 2001 SC 3527 (5 JJ) (Steel Authority of India Ltd & Ors. - vs – National Union Water Front Workers & Ors.

## **DECISION WITH REASONS**

### **Issue No. 4 :**

“Whether this Tribunal has jurisdiction to adjudicate the matter in dispute?”

It is undisputed that the OP is a Bank namely Bandhan Bank and it is also undisputed that the OP has its branches in more than one State in India.

**Section 2(a)(i)** of the Industrial Disputes Act, 1947 is reproduced hereinbelow for easy reference and better appreciation--

**“ appropriate Government”** means -

(i) in relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government, or by a railway company or concerning any such controlled industry as may be specified in this behalf by the Central Government or in relation to an industrial dispute concerning a Dock Labour Board established under section 5A of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), or the Industrial Finance Corporation of India Limited formed and registered under the Companies Act, 1956 (1 of 1956)], or the Employees' State Insurance Corporation established under section 3 of the Employees' State Insurance Act, 1948 (34 of 1948), or the Board of Trustees constituted under section 3A of the Coal Mines Provident Fund and

Miscellaneous Provisions Act, 1948 (46 of 1948), or the Central Board of Trustees and the State Boards of Trustees constituted under section 5A and section 5B, respectively, of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (19 of 1952), or the Life Insurance Corporation of India established under section 3 of the Life Insurance Corporation Act, 1956 (31 of 1956), or the Oil and Natural Gas Corporation Limited registered under the Companies Act, 1956 (1 of 1956)], or the Deposit Insurance and Credit Guarantee Corporation established under section 3 of the Deposit Insurance and Credit Guarantee Corporation Act, 1961 (47 of 1961), or the Central Warehousing Corporation established under section 3 of the Warehousing Corporations Act, 1962 (58 of 1962), or the Unit Trust of India established under section 3 of the Unit Trust of India Act, 1963 (52 of 1963), or the Food Corporation of India established under section 3 or a Board of Management established for two or more contiguous States under section 16 of the Food Corporations Act, 1964 (37 of 1964), or 1[the Airports Authority of India constituted under section 3 of the Airports Authority of India Act, 1994 (55 of 1994)], or a Regional Rural Bank established under section 3 of the Regional Rural Banks Act, 1976 (21 of 1976), or the Export Credit and Guarantee Corporation Limited or the Industrial Reconstruction Bank of India Limited, the National Housing Bank established under section 3 of the National Housing Bank Act, 1987 (53 of 1987)], or an air

transport service, or a banking or an insurance company, a mine, an oil-field, a Cantonment Board, or a major port, any company in which not less than fifty-one per cent. of the paid-up share capital is held by the Central Government, or any corporation, not being a corporation referred to in this clause, established by or under any law made by Parliament, or the Central public sector undertaking, subsidiary companies set up by the principal undertaking and autonomous bodies owned or controlled by the Central Government, the Central Government, ..”

**Section 2(bb)** of the Industrial Disputes Act, 1947 defines banking company as under-

**“banking company”** means a banking company as defined in section 5 of the Banking Companies Act, 1949 (10 of 1949), having branches or other establishments in more than one State, and includes the Export-Import Bank of India, the Industrial Reconstruction Bank of India, the Small Industries Development Bank of India established under section 3 of the Small Industries Development Bank of India Act, 1989 (39 of 1989),] the Reserve Bank of India, the State Bank of India , a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 (5 of 1970) , a corresponding new bank constituted under section 3 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 (40 of 1980),

and any subsidiary bank as defined in the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959)”

This Tribunal finds that the OP/Bank is a banking company within the definition of banking company laid down under section 2(bb) of the Industrial Disputes Act, 1947. Bandhan Bank is a banking company as defined under section 5 of the Banking Companies Act, 1949 and that the Banking Companies Act, 1949 came into force on 16<sup>th</sup> March, 1949 and changed to Banking Regulation Act, 1949 from 1<sup>st</sup> March, 1966, as such, the OP / Bank squarely covered under section 2(bb) of the Industrial Disputes Act, 1947 having its branches in more than one State. The “appropriate Government” for such banking company (OP/Bank ) is the Central Government.

In case of application under section 2A(2) of the Industrial Disputes Act, 1947, this Tribunal has jurisdiction where the appropriate Government is the State Government.

It is also necessary to dwell upon Section 7A of the Industrial Disputes Act, 1947 which speaks as to constitution of the Industrial Tribunals. Sec. 7A(1) of the said Act lays down as under-

**“7A. Tribunals--** (1) The appropriate Government may, by notification, in the Official Gazette, constitute one or more Industrial Tribunals for the



adjudication of industrial disputes relating to any matter, whether specified in the Second Schedule or the Third Schedule and for performing such other functions as may be assigned to them under this Act.”

The Hon’ble High Court of Judicature at Patna in the judgment delivered in the case of **State Bank of India – vs – The Union of India** decided on 07.09.2018 ( in Civil Writ Case no. 14583 of 2016) interalia relied on its earlier judgment delivered by the said Hon’ble Court in CWJ Case no. 2053 of 2016 and interalia reiterated and held as under –

*“Similarly, the “appropriate Government” as defined under Section 2(a)(i) of the I.D. Act has been empowered by Section 7-A(i) of the I.D. Act to constitute one or more Industrial Tribunals for adjudication of industrial disputes relating to any matter whether specified in the Second Schedule or the Third Schedule and for performing such other functions as may be assigned to them under the I.D. Act.*

*Thus., it would be evident that the Central Government can appoint Tribunals for any State for adjudication of the industrial disputes in relation to which it is the “appropriate Government” whereas the State Government may constitute one or more Tribunals in its territory for adjudicating the matter in respect to which it is the “appropriate Government”.*

*From perusal of the aforesaid provisions prescribed under Sections 7(1) and 7-A(1) of the I.D. Act, it would be manifest that the intent of the legislature is that the dispute should be adjudicated by the concerned Labour Courts/ Tribunals constituted by the “appropriate Government” only.”*

*“ The provision prescribed under Section 2-A(2) of the I.D. Act cannot be interpreted to mean that it gives a discretion to a workman engaged in a Public Sector Undertaking Bank to approach directly to an industrial Tribunal or Labour Court constituted by the State Government rather the workman in the given circumstances may directly invoke jurisdiction of the appropriate Labour Court/ Tribunal.”*

*“ Since this case is squarely covered by the judgment of this Court in The Chief General Manager, State Bank of India vs. Union of India (Supra) in which after elaborately dealing with the provisions prescribed under Sections 2(a)(i) , 2-A(2) , 7, 7-A(1) and 10(1)(d) of the Act, this Court held that as far as Section 2-A(2) of the Act is concerned , it was incorporated in Section 2-A by virtue of Amendment Act, 24 of 2010, which came into force with effect from 15-09-2010 and the provision prescribed under Section 2-A(2) of the Act cannot be interpreted to mean that it gives a discretion to a workman engaged in a Public Sector Undertaking Bank to approach directly to an industrial Tribunal or Labour Court constituted by the State Government rather the workman in the*

*given circumstance may directly invoke jurisdiction of the appropriate Labour Court/ Tribunal. In case of an employee of the Bank, appropriate Labour Court/ Tribunal would be Tribunal/ Court constituted by the Central Government.”*

The **Hon’ble Apex Court** in the judgment reported in **AIR 2001 SC 3527** also interalia held that Central Government will be appropriate government for the establishment of banking or insurance company.

In view of the discussions hereinabove, this Tribunal holds that the Central Government is the “appropriate Government” under Section 2(a)(i) of the Industrial Disputes Act, 1947 , the OP/Bank being a banking company under section 2(bb) of the said Act having branches in more than one State. This Tribunal further holds that this Tribunal has no jurisdiction to adjudicate the instant application filed by the applicant under Section 2A(2) of the Industrial Disputes Act, 1947. As such, the instant case being 02/2022 under Section 2A(2) of the Industrial Disputes Act, 1947 is not maintainable before this Tribunal, this Tribunal having no jurisdiction to adjudicate the same.

The Issue No. 4 stands decided accordingly against the applicant.

Since the adjudication of the Issue no.4 being purely question of law herein on the point of jurisdiction and disposes of the instant case, this Tribunal hastens to add that this Tribunal has not dealt with any other issue(s).

Hence, it is

**ORDERED**

that the instant case being No. 02/2022 u/s. 2A(2) of the Industrial Disputes Act, 1947 be and the same is dismissed on contest without any order as to costs for want of jurisdiction as this Tribunal has no jurisdiction to adjudicate the instant application.

Be it noted that this Tribunal has not gone into the factual merits of the instant case and has restricted itself to adjudication on the point of jurisdiction of this Tribunal only. The applicant is at liberty to take appropriate step(s) before the appropriate authority(ies)/forum/Tribunal/ Court if any and this Award shall not be an impediment in respect of the same.

The aforesaid is the Award of this Tribunal passed in this instant case no. 02/2022/2A(2).

Let copy of this Award be sent to the appropriate authority(ies) as envisaged under the law.

Dictated & corrected by me.

Judge

(Yogita Gaurisaria )  
Judge  
7<sup>th</sup> Industrial Tribunal  
Kolkata  
27.12.2024