

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 592 OF 2000

BANK OF MADURA LTD.

Appellant (s)

VERSUS

INDUSTRIAL TRIBUNAL.,HYD. & ANR

Respondent(s)

Date: 08/11/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Appellant(s)

Mrs.B.Sunita Rao,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

The appeal is disposed of in terms of the signed order.

No costs.

(Vijay

(Neena Verma)

Aggarwal)

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.592 OF 2000

Bank of Madura Limited

...Appellant

Versus

Industrial Tribunal, Hyderabad and Anr.

...Respondents

O R D E R

Heard learned counsel for the appellant-Bank. None appears for the respondents.

Challenge in this appeal is to the order passed by a learned Single

Judge of the Andhra Pradesh High Court holding that the writ petition filed by

the Bank is to be dismissed in view of an earlier decision of the High Court in

Indian Banks Association, Bombay, represented by Deputy General Manager,

Syndicate Bank, Hyderabad Vs. Workmen of Syndicate Bank and 47 other Banks

and others. (1997 (4) ALT 592 (D.B.)). The writ petitions were disposed of in terms

of the orders passed in the said case.

Learned counsel for the appellant submitted that the aforesaid decision of the Andhra Pradesh High Court was challenged before this Court in Civil Appeal No.3355 of 1998 and connected cases and was disposed of on

13.02.2001 (Indian Banks Association Vs. Workmen of Syndicate Bank and Ors.

(2001 (3) SCC 36). The questions which were adjudicated in Indian Banks

Association's case (supra) were:

(1) Whether Commission Agents/Deposit Collectors of Banks were covered by the expression "workmen", as defined in Section 2(s) of the Industrial Disputes Act, 1947 (in short 'the Act'),

(2) Whether the commission paid to Commission Agents/Deposit Collectors was covered by the expression "wages", as defined in Section 2(rr) of the Act, and

(3) Whether the claims of Commission Agents/Deposit Collectors of Banks to pay scales, allowances and other service conditions available to regular clerical employees was to be accepted?

This Court held that the Commission Agents/Deposit Collectors of Banks were workmen for the purpose of dispute under the Act, the Commission paid to them was covered by the expressed "wages". However, it was held that the Commission Agents/Deposit Collectors cannot be treated as regular employees of the Bank.

In paragraph 28 of the judgment, it was observed as follows:

"28. Mr. Nageshwar Rao is right in his submission that the concession was not binding on his

clients. However, what has been conceded has been correctly conceded. No question arose of directing absorption of the Deposit Collectors as regular workmen. No such demand had been made and, therefore, there could have been no such direction. Such directions were beyond the reference. Even otherwise, the question of absorption would be fully covered by an authority of this Court in the case of Union of India Vs. K.V. Baby (1998 (9) SCC 252). In this case it has been held that persons who are engaged on the basis of individual contracts to work on commission basis cannot be equated with regular employees doing similar work. It has been held that the mode of selection and qualifications are not comparable with those of the employees, even though the employees may be doing similar works. In the present case, not only are the modes of selection and qualifications not comparable, but even the work is not comparable. The work which the Deposit Collectors do is completely different from the work which the regular employees do. There was thus no question of

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absorption and there was also no question of the
Collectors being paid the same pay scales, allowances
other service conditions of the regular employees
banks."

ecision in

In view of the above, the inevitable conclusion is that the d

Indian Bank's case (supra) squarely applies to the facts of the present case.

The appeal is, accordingly, disposed of. No costs.

.....J.

(ARIJIT PAS

AYAT)

.....J.

.....

RAN)

(R.V. RAVEEND

New Delhi,

November 08, 2005.