

Industrial Disputes (Banking Companies) Decision Act, 1955

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Industrial Disputes (Banking Companies) Decision Act, 1955

Act 41 of 1955

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Preamble[Act 141 of 1955]An Act to provide for the modification of the decision of the Labor Appellate Tribunal, dated the 28th day of 1954, in accordance with the recommendations of the Bank Award Commission and the giving effect to the award accordingly.Be it enacted by Parliament in the Sixth Year of the Republic of India as follows :Comment: The effect of the Act is to validate certain Bank awards. The Act by itself does not create any statutory obligation against any person. The awards recognized by the Act cannot be placed on a higher footing than a decree of a Civil Court . High Court cannot issue a writ of mandamus in order to enforce a decree of a civil court. So also certiorari cannot issue against the management in order to quash the disciplinary action against a bank employee. AIR 1958 All 413.

1. Short Title. –

This Act may be called The Industrial Disputes (Banking Companies) Decision Act, 1955.

2. Definitions. –

In this Act, unless the context otherwise requires. –(a)" appellate decision" means the decision of the Labor Appellate Tribunal, dated the 28th day of April, 1954, in the matter of the appeals filed before it against the award of the All-India Industrial Tribunal (Bank Disputes), Bombay ;(b)"Award" means the award of the All-India Industrial Tribunal (Bank Disputes), Bombay , constituted by the Notification of the government of India in the Ministry of Labor, No. SRO 35, dated the 5th day of January, 1952;(c)"Bank Award Commission" means the person appointed by the Resolution of the Government of India in the Ministry of Labor, No. L.R. 100 (9)/55, dated the 25th day of February, 1955, to enquire into and report upon the terms of reference specified in the Resolution of the government of India in the Ministry of Labor, No. L.R. 100 (56)/54, dated 17th day of September, 1954;(d)"Modification order" means the order of the Government of India in the

Ministry of Labor, No. SRO 2732, dated the 24th day of August, 1955, modifying the appellate decision under Sec. 15 of the Industrial Disputes (Appellate Tribunal) Act, 1950 (48 of 1950).

3. Appellate Decision to Have Effect Subject to the Modifications Recommended by the Bank Award Commission. –

(1)The appellate decision shall have effect as if the modifications recommended in Chapter XI of the Report of the Bank Award Commission, dated the 25th day of July, 1955, had actually been made therein, and the appellate decision as so modified shall be the decision of the Appellate Tribunal within the meaning of the Industrial Disputes (Appellate Tribunal) Act, 1950 (48 of 1950) and the award shall have effect accordingly.(2)Notwithstanding anything contained in Sub-sec. (1), the recommendations in Chapter XI of the Report of the Bank Award Commission in relation to the banking companies incorporated in the former State of Travancore -Cochin specified in that Chapter shall be modified and shall be deemed to have been modified -(a)with effect from the 1st January, 1955, in relation to the C Class Banks known as the South India Bank Limited, Trichur , and the Catholic Syrian Bank Limited, Trichur , as if -(1)in Clause (1) of the said recommendations -(i) under the holding 'C Class' after the entry '(viii)', Travancore Bank' the entries '(ix), South Indian Bank, Trichur ' and '(x)' Catholic Syrian Bank, Trichur , had been inserted;(ii)items (i) and (ii) under Sub-clause (b) had been omitted; and(2)in Clause (2) thereof, after the words ' Travancore Bank' the words the South Indian Bank, Trichur , and the Catholic Syrian Bank, Trichur had been inserted; and(b)with effect from the 1st January, 1956, in relation to the C Class banks known as the Palai Central Bank Limited, Palai and the Travancore Forward Bank Limited, Kottayam , and the D Class Banks, as if in Clause (1) of the said recommendations items (i) and (ii) under Sub-clause (b) had been omitted.(3)The arrears of emoluments, payable to the workmen of the banking companies specified in Sub-sec. (2) by reason of the modification effected by that Sub-sec. shall be paid as follows -(a)in the case of the banking companies specified in Clause(a)of that sub-section -(i) the arrears for the year 1955 shall be paid in two equal installments of which the first shall be paid within thirty days from the commencement of the Industrial Disputes (Banking Companies) Decisions Amendment Act, 1957, and the second within six months after such commencements; and(ii)the arrears for the period from the 1st January, 1956 , to such commencement shall be paid within thirty days thereof;(b)in the case of the banking companies specified in Clause(b)of that Sub-section, the arrears for the period from the 1st January, 1956 , to such commencement shall be paid within thirty days thereof.(4)For the purposes of this section, the expression 'the former State of Travancore -Cochin ' means the State of Travancore -Cochin as it existed immediately before the 1st November, 1956 .(5)Notwithstanding anything contained in the foregoing provisions of this section, the Central Government may, from time to time, by notification in the Official Gazette, make in lieu of the adjustment of the dearness allowance recommended in Clause 1(e) of Chapter XI of the Report of the Bank Award Commission, such adjustment thereof as it thinks fit for any period subsequent to the 31st December, 1957, with reference to the rise or fall, as compared to 144 (1944=100), of the average All-India Cost of Living Index for any period immediately preceding that period; and upon the issue of such notification the adjustment of dearness allowance so made for any period shall be deemed to have been recommended in Clause 1(e) of the Report of that Commission :Provided that any adjustment so made shall, so far as may be, bear to the rise or fall of the Cost of Living Index the same ratio as it indicated between the adjustment of dearness allowance

and the rise or fall of the Cost of Living Index in the formula recommended in that clause.

4. Duration of The Award. –

Notwithstanding anything contained in the Industrial Disputes Act, 1947 (14 of 1947), or the Industrial Disputes (Appellate Tribunal Act, 1950 (48 of 1950), the award as now modified by the decision of the Appellate Tribunal in the manner referred to in Sec. 3 shall remain in force until the 31st Day of March, 1959.

5. Modification order to have no Effect in Certain Cases. –

The provision of the modification order shall not have, and shall be deemed never to have had, any force or effect except in so far as any of such provisions has become incorporated in the award by reason of the provisions contained in Sec. 3.

6. Power to Remove Difficulties.

(1) If in the opinion of the Central Government any difficulty or doubt has arisen as to the interpretation of any provision of the award as now modified by decision of the Appellate Tribunal in the manner referred to in Sec. 3, it shall refer for decision the matter in respect of which such difficulty or doubt has arisen to a single member of the Labor Appellate Tribunal constituted under the Industrial Dispute (Appellate Tribunal) Act, 1950 (48 of 1950), or to such Industrial Tribunal constituted under the Industrial Disputes Act, 1947 (14 of 1947), as it may, by notification in the Official Gazette, specify in this behalf. (2) The tribunal to which such matter is referred shall, after giving the parties a reasonable opportunity of being heard, decide such matter and its decision shall be final binding on all such parties.