

SUPREME COURT OF INDIA

B.H. Prabhakar

Vs.

M.D. Karnataka State Cooperative Apex Bank Ltd.

(S.B. Majmudar, A.P. Mishra and U.C. Banerjee JJ.)

01.02.2000

ORDER

S.B. MAJMUDAR, J.

1. We have carefully gone through the common judgment sought to be reviewed in these petitions. In our view, no error, much less any patent error, of law could be demonstrated by the review petitioners for supporting these petitions. The resolution of 07th August 1985 was held not to be operative on the facts of the case. In the Review Petitions an attempt is made to show that resolution of 07th August 1985 was the basis of the appointment of the petitioners. That has not been accepted by the Court. An attempt to re-argue this aspect does not fall within the scope of the review proceedings. So far as the affidavit of Manager, Legal Cell dated 10th August 1996 is concerned it was never pressed in service before the Court when the impugned judgment was rendered. Hence, non-consideration thereof cannot be treated to be an error apparent on the record as tried to be suggested. Policy adopted by the Respondent-bank alleged to be anti-labor for which reliance is placed on the decision of this Court in the case of Dharwad P.W. D. Employees Association v. State of Karnataka also cannot be made subject-matter of review proceeding as no such contention was canvassed before the Court when the impugned decision was rendered. On the other hand the petitioners were absorbed as Clerks by the Respondent-bank after their temporary tenure ended on completion of earlier project. That may be the reason why no allegation was made about anti-labor policy of the Respondent-bank when appeals were argued before the Court. For all these reasons, the Review Petitions are dismissed on merits.