

SUPREME COURT OF INDIA

Union Bank of India

Vs.

Venkatesh Gopal Mahishi.

C.A.No.5503 of 2003

(G. P. Mathur and Lokeshwar Singh Panta,JJ.)

08.01.2008

JUDGMENT

G. P. Mathur,J.

1. Heard the learned counsel for the parties.
2. This application has been filed by the appellant Bank for correction of factual submission No. 1 recorded at internal page 4 of the judgment of this Court dated 12.01.2007.
3. In the judgment dated 12.01.2007, this Court recorded three submissions made by Shri Raju Ramachandran, Senior Advocate appearing on behalf of applicant bank. The first submission as recorded in the judgment was, pension regulations do not apply to the respondent No. 1 as he is an award staff. This submission appears to have been mistakenly mentioned in the judgment dated 12.01.2007 and it needs to be suitably corrected to the extent that there was no scheme/provision of voluntary retirement in the terms and conditions of service applicable to the award staff to which respondent No. 1 belonged.
4. The rectification of the above said submission is essential because this factual mistake has been recorded in the judgment as a submission of the learned senior counsel appearing on behalf of the appellant bank due to oversight. The applicant bank in this application has categorically submitted that the pension regulations are applicable to all employees of the bank irrespective of whether they are officers or award staff.
5. Thus, in the factual situation as noticed above, the first submission recorded in the judgment dated 12.01.2007 shall stand rectified and corrected to the above extent which shall form part of the main judgment. We may make it clear that this order of change/rectification of the factual mistake of first submission noticed in the judgment will have no bearing or effect on the final result of the appeal which was decided on other issues and contentions on merits.
6. Interlocutory Application stands, accordingly, allowed.

