

Karur Vyasa Bank Ltd

v.

Karur Vyasa Bank Employees Union & Others

(Supreme Court Of India)

HON'BLE MR. JUSTICE T.S. THAKUR HON'BLE MR. JUSTICE GYAN
SUDHA MISRA

Civil Appeal No. 3292 Of 2012 (Special Leave Petition (Civil) No. 6689 Of
2007) | 26-03-2012

1. Leave granted.

2. ID Reference No. 102 of 2003 made by the Government of India to the Industrial Tribunal-cum-Labour Court, Chennai, required the Tribunal to adjudicate upon the following question:

"Whether the demand of the All India Bank Appraisers Federation, Tamil Nadu to regularize the services of Jewel Appraisers in the Karur Vysya Bank Ltd., is legal and justified? If so, what relief the workmen are entitled to?"

3. The reference it is evident from the above was made at the instance of the All India Bank Appraisers Federation, Tamil Nadu, espousing the cause of Jewel Appraisers in the appellant-Karur Vysya Bank Ltd. Respondent No.1- Karur Vysya Bank Employees' Union, appears to have filed IA No.19 of 2007 before the Tribunal for being impleaded as a appellant along with the All India Bank Appraisers Federation. That prayer was allowed by the Tribunal in terms of its order dated 11th July, 2008. Aggrieved, the appellant-Karur Vysya Bank Ltd. filed Writ Petition (Civil) No.22659 of 2008 before the High Court of Madras. The Bank also appears to have challenged the validity of the order passed by the Government making the reference to the Tribunal aforementioned in Writ Petition (Civil) No.22658 of 2008. Both the writ petitions, we are told, are presently pending in the High Court of Madras, in which, the appellant-Bank has secured an interim order of stay against the proceedings pending before the Tribunal.

4. While the position stood thus, respondent No.1-The Karur Vysya Bank Employees' Union, filed an application before the Central Government for making an independent reference of the very same issue as is already pending adjudication before the Tribunal. That application was declined by the Central Government on the ground that the question sought to be agitated by the Union was covered against the Jewel Appraisers by a decision of this Court in *Sat Pal Puri v. Punjab State Electricity Board and Ors.* (1992) 3 SCC 323.

5. Aggrieved by the refusal of the Government to make a reference respondent No.1 filed Writ Petition (Civil) No.2287 of 2002 before the High Court of Madras challenging the order passed by the Central Government.

6. A Single Judge of the High Court allowed the petition by his order dated 17th January, 2005, and directed the Union of India to make a reference. The said order was then challenged by the appellant-Bank by way of Writ Appeal No. 299 of 2005, which appeal has been dismissed by the Division Bench by its order dated 13th March, 2007. The present appeal assails the correctness of the above orders.

7. We have heard learned counsel for the parties at some length. Appearing for the appellant-Bank Dr. Rajeev Dhawan, learned senior counsel submitted that the question whether the High Court was justified in issuing a direction for making of a reference need not be examined on its merits having regard to the fact that Government of India have already made ID reference No. 102 of 2007, which is pending before the Tribunal and in which respondent No.1-Union has been added as a petitioner along with All India Bank Appraisers Federation, Tamil Nadu. He submitted that since the said addition enables the Bank Employees Union to place their version before the Tribunal and to obtain an adjudication on the question from the Tribunal, making of another reference on the very same question is unnecessary and avoidable duplication, of the entire process. He submitted that in order to effectuate an adjudication of the questions sought to be raised by respondent No.1-Bank Employees Union, in the pending reference, ID No.102 of 2003, the appellant-Bank is willing to withdraw Writ Petitions (Civil) No. 22658 and 22659 of 2008 pending before the Madras High Court challenging the order passed by the Central Government making the reference and that passed by the Tribunal adding respondent No.1-Bank

Employees Union as a party to the reference proceedings. He argued that consequent upon withdrawal of the said two writ petitions and vacation of the interim order granted by the High Court of Madras, the reference made by the Central Government would get revived enabling the Tribunal to adjudicate upon the issues and all aspects relevant thereto. He submitted that in the light of the proposed withdrawal of the writ petitions this Court could dispose of the appeal with appropriate directions and observations so that making of a second reference as directed by the High Court no longer remains necessary.

8. Counsel appearing for the respondent No.1-The Karur Vysya Bank Employees' Union, submitted that the Union will have no objection to the disposal of this appeal provided the questions sought to be raised by it are allowed to be agitated and urged before the Tribunal in the pending reference. He submitted that so long as the Bank Employees Union has an opportunity to seek redress for the benefit of its members in the pending reference, it will not insist upon the making of an independent reference which will, in any case, be an unnecessary and avoidable duplication of the proceedings.

9. In the circumstances and in the light of the submissions made at the bar, we see no reason why pending ID reference No.102 of 2003 which is comprehensive enough, cannot suffice, not only to cover the points urged by the All India Bank Appraisers Federation, Tamil Nadu, but also those sought to be raised by the Bank Employees Union. The only impediment in the reference being taken to its logical conclusion is the pendency of writ petitions filed by the appellant-Bank before the High Court at Madras. Since the appellant-Bank has made a statement that the writ petitions in question shall be withdrawn unconditionally, there is no reason why the pending reference should not be allowed to proceed and the disputes referred to therein adjudicated upon by the Tribunal, on their merits. Dr. Rajeev Dhawan, learned senior counsel, submits that the appellant-Bank will take steps to withdraw the writ petitions mentioned above within a period of two weeks from today.

10. In the result, therefore, we dispose of this appeal with the observations that the appellant-Bank shall within two weeks from today withdraw Writ Petition (Civil) Nos.22658 and 22659 of 2008, in which event, the Tribunal shall be free to proceed with the reference already made to which the respondent No.1-Bank Employees Union has already been added as a party. In view of the withdrawal

of the said writ petitions and revival of the reference made by the Central Government, it will be unnecessary for the Union of India to make a second reference on the very same questions as are pending before the Tribunal.

11. We make it clear that we have expressed no opinion about the merits of the case or the contentions that may be urged by the parties before the Tribunal, who shall be free to adjudicate upon the same and pass appropriate orders in accordance with law, uninfluenced by any observations which the High Court has made, in the order under challenge.

12. Questions of law raised in the appeal are left open.

13. No costs.