

SECTION-XV

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

INTERLOCUTORY APPLICATION NO. 1

(Application for condonation of delay in filing SLP)
IN

CC NO. 21210 OF 2016

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO.

WITH A PRAYER FOR INTERIM RELIEF

THE ORGANIZING SECRETARY, ALL INDIA
BANK DEPOSIT COLLECTORS WORKMEN
UNION (R).

PETITIONER

VERSUS

THE OFFICER ON SPECIAL DUTY,
INDIAN BANKS ASSOCIATION LOCAL
CHAPTER AND ORS.

RESPONDENTS

OFFICE REPORT

The Petition above-mentioned has been filed by Mr. Gautam Talukdar, Advocate on 03.10.2016 against the final award dated 07.10.2013 modified vide order dated 02.06.2014 passed by the Central Government Industrial Tribunal No. 1, Karkardooma Court Complex, Delhi in I.D. No. 45 of 2011.

It is submitted that counsel for the petitioner has filed an application for condonation of delay in filing SLP which is barred by time by 1002 days.

It is further submitted that the SLP has been filed against the award passed by the Industrial Tribunal as per para 1A of SLP that the petitioners are directly approaching this Hon'ble Court under Article 136 against the order of the Tribunal, as the similar issue pertaining to award of the Tribunal is pending consideration before this Hon'ble Court in SLP (Civil) [CC] 12004-12024/2016 Converted to SLP (Civil) 19478-19498 of 2016 wherein this Hon'ble Court vide its order dated 11.07.2016 was pleased to issue notice in the aforesaid matter. It is submitted that the Petitioners have no efficacious remedy at this stage other than approaching this Hon'ble Court under Article 136 as the Respondent banks relying upon the award passed by the Industrial Tribunal have started issuing letters of termination to the Deposit collectors and in some cases Deposit collectors who rendered services for more than 3-5 decades have been terminated from services projecting that the said Deposit collectors are not meeting the targets as set by the Ld. Tribunal. In these circumstances the present Special Leave Petition has been filed.

If the Petitioner approaches the Hon'ble High Court as it is the correct remedy however in view of the pendency of the Special Leave Petition on the same subject matter between the same parties the doctrine of res judicata or constructive judicata would come into picture and the Hon'ble High Court may not hear the Petitioner inter alia ousting the Petitioner at threshold.

It is submitted that counsel for the petitioner has on 11.11.2016 filed an application for permission to bring on record additional facts and documents alongwith Annexures P-5 to P-9. Copy of the same is circulated to the Hon'ble Court.

It is submitted that Special Leave Petition (Civil) No. 19478-19498/2016 arising out of CC No. 12004-12024/2016 referred to on Listing Proforma was listed before the Hon'ble Court on 11.07.2016, when the Hon'ble court was pleased to issue notice. Copy of record of proceeding dated 11.07.2016 is enclosed herewith for the kind perusal of the Hon'ble Court.

The matter above mentioned is listed before the Hon'ble Court with this office report.

Dated this the 15th day of November, 2016.

ASSISTANT REGISTRAR

Copy to : Mr. Gautam Talukdar, Adv.

ASSISTANT REGISTRAR

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