

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. of 2024
(arising out of SLP(C) No.31187/2018)

NANDED DISTRICT CENTRAL CO OPERATIVE BANK

Appellant(s)

VERSUS

VITHAL BAPURAO DAHE

Respondent(s)

WITH

CIVIL APPEAL No. of 2024
(arising out of SLP(C) No.2033/2019)

O R D E R

Leave granted.

2. Heard Mr. Amol Nirmalkumar Suryawanshi, learned counsel appearing for the appellant/ claimant-Bank. The respondents are the retired clerks of the appellant-Bank and they are represented by Mr. Varun V. Solshe, learned counsel.

3. The challenge here is to the judgment dated 27.09.2018 passed by the High Court of Judicature of Bombay, Bench at Aurangabad in the Writ Petition No. 9616 of 2017 whereby the appellant's writ petitions were partly allowed to the extent of reducing the interest on the unpaid arrears of annual increments from 9% per annum, to 5% per annum from 01.04.2010.

4. The counsel for the respondents would submit that these were the due arrears of 7 annual increments i.e. for the period from 2003-2004 to 2009-2010 and only because of the financial difficulties faced by appellant-Bank and under the provisions of Section-11(1) of the Banking Regulation Act, the dues remained unpaid.

5. As can be seen, the Industrial Court, Jalna declared in its Order dated 19.04.2017, that the appellant-bank had resorted to unfair labour practices and accordingly, directed that the arrears be remitted to the eligible employees after stipulating interest at 9% per annum, from the date of dues.

6. On challenge by the appellant-Bank to the Order passed by the Industrial Court, the interest rate was reduced to 5% per annum from 9% per annum, as earlier noted.

7. The counsel for the appellant-bank would submit that the other employees in the Bank have understood the Bank's financial difficulty and did not pursue their claim. According to Mr. Amol Nirmalkumar Suryawanshi, the respondents are the only two employees of the bank who have continued to assert their claim all along right since they have filed Complaint before the Industrial Court, Jalna on 15.01.2014.

8. The submissions made by the learned counsel for the parties are considered. The argument of the appellant's counsel that the Bank is in some financial difficulty was appropriately considered by the High Court and accordingly, the rate of interest was reduced.

9. In the above circumstances, we see no infirmity with the impugned judgment dated 27.09.2018 rendered by the High Court. The appeals are accordingly, dismissed.

10. The differential arrears for the respondents for the period 01.04.2010 to 10.10.2018 be remitted within eight weeks from today by the appellants.

11. Pending application(s), if any, shall stand disposed of.

.....J.
(HRISHIKESH ROY)

.....J.
(PRASHANT KUMAR MISHRA)

New Delhi
07th February, 2024

ITEM NO.20

COURT NO.6

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 31187/2018

(Arising out of impugned final judgment and order dated 27-09-2018 in WP No. 9616/2017 passed by the High Court Of Judicature At Bombay At Aurangabad)

NANDED DISTRICT CENTRAL CO OPERATIVE BANK

Petitioner(s)

VERSUS

VITHAL BAPURAO DAHE

Respondent(s)

(IA No. 170151/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 170153/2018 - EXEMPTION FROM FILING O.T.)

WITH

SLP(C) No. 2033/2019 (IX)

Date : 07-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Amol Nirmalkumar Suryawanshi, AOR
 Ms. Srishty Pandey, Adv.
 Ms. Gayatri Virmani, Adv.

For Respondent(s) Mr. Vivek C. Solshe, Adv.
 Mr. Varun V. Solshe, Adv.
 Mr. Anjani Kumar Jha, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(NISHA KHULBEY)
 SENIOR PERSONAL ASSISTANT

(KAMLESH RAWAT)
 ASSISTANT REGISTRAR

(signed order is placed on the file)