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SLP(C)No. 1997 OF 2003
ITEM No.31

Court No. 7

SECTION XV
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.1997/2003

(From the judgement and order dated 09/09/2002 in WP 17109/02
of The HIGH COURT OF A.P AT HYDERABAD)

A.P. COOP. CENTRAL BANK EMPS. ASSON.

Petitioner (s)

VERSUS

STATE OF A.P. & ORS.

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for permission to place addl. documents on record
impleading party)(With office report)

Date : 07/11/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE P.VENKATARAMA REDDI

For Petitioner (s)Mr. V.R.Reddy,Sr.Adv.
Mr. V.G. Pragasam,Adv.

Mr. G.N.Reddy,Adv.

For Respondent (s)Mt. I.Venkata Narayana,Sr.Adv.

Mr. T.N.Rao,Adv.

Mr.A.Ramesh,Adv.

Mrs.B.Sunita Rao,Adv.

Mr. D.R.K.Reddy,Adv.

Mr. B.Vikas,Adv.

Mrs.D. Bharathi Reddy,Adv.

Mr. T.V. Ratnam,Adv.

Mr. K.S.Rao,Adv.

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

No orders on application for impleadment.

Leave granted.

The Appeal is disposed of.

[SUMAN WADHWA][MADHU SAXENA) COURT MASTERCOURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2003
(Arising out of SLP(C)No. 1997/2003)

A.P.Coop.Central Bank Emps.Asson.... Appellant

versus

State of A.P. & Ors. Respondents

O R D E R

Leave granted.

The appellants had filed a writ petition challenging the amendments contained in Sec.45(2) and Sec.116(C) of the Andhra Pradesh Cooperative Societies Act 1964. The grounds of challenge were basically that the amendments would nullify a settlement which had been arrived at on 15th June, 1997 under the provisions of Sec.18(1) of the Industrial Disputes Act, 1947 (for short 'the 1947 Act').

The writ petition was rejected by the High Court following an earlier decision of the Division Bench of that Court in APSCSS. & E. Union vs. Govt. of Andhra Pradesh reported in 2002(4) ALD 527. The SLP from that decision was dismissed by this Court on 7th May, 2003.

By the earlier decision of the High Court the High Court had rejected the writ petition of the Union in which the same statutory provisions were under challenge. Learned counsel appearing on behalf of the appellant has sought to distinguish the earlier decision on the ground that in this case the challenge was based on the settlement under Sec.18 of the 1947 Act. It is not necessary to decide this issue in view of the concession on the part of the respondents Nos .5-26 who are all the cooperative banks, that the amendments do not run counter to the provisions of the settlement and that the settlement was not sought to be terminated by the impugned amendment. A similar statement has been made by the apex bank which has also stated that the settlement between the Management and the appellant Association was in no way sought to be disturbed by the impugned amendment

A similar stand has been taken by the respondent -State. In this view of the matter the issue raised is really academic and the appeal is accordingly disposed of by recording the aforesaid statement of the respondents.

.....J. (RUMA PAL)

.....J.
(P.VENKATARAMA REDDI)

New Delhi;
November 7, 2003.