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C.A.No. 883 OF 2002
ITEM No.1

Court No. 9

SECTION IX

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

I.A. No. 3-4 in Civil Appeal No.883/2002

BANK OF INDIA & ORS.

Appellant (s)

VERSUS

RAMESH MOHANLAL JUMANI

Respondent (s)

(For seeking clarification of Court's order dated 17.12.2002
and permission to file addl. Documents)

Date : 25/08/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE H.K. SEMA

For Appellant (s)

Ms. Arpita Mahajan, Adv.

Mr. Sukhjinder Singh, Adv.

Ms. Nina Gupta, Adv.

Ms. Bina Gupta, Adv.

For Respondent (s) Mr. Himanshu Gupta, Adv.

Mr. Shivaji M. Jadhav, Adv.

UPON hearing counsel the Court made the following

O R D E R

I.A Nos. 3 and 4 stand dismissed in terms of the signed orders.

Anita

(Jasbir Singh)

Court Master

(Two separate Signed orders are placed on the file.)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. NO. 3 OF 2003

IN

CIVIL APPEAL NO. 883 OF 2002

Bank of India & Ors.

... Appellant (s)

Versus

Ramesh Mohanlal Juman

... Respondent (s)

O R D E R

By this I.A. the applicant is seeking clarification to the effect that he has not accepted any

benefit under the Voluntary Retirement Scheme of the Respondent-Bank and that therefore the 1st direction in the judgment of this Court dated 17th December, 2001 in Civil Appeal No. 854 of 2002 is not applicable to him. He also seeks a direction that he be re-instated with continuity in service.

The 1st direction in the judgment dated 17th December, 2001 reads as follows:-

"1. The appeals preferred by the Nationalised Banks arising from the High Courts are dismissed except the cases where the concerned employees have accepted a part of the benefit under the scheme. However, in respect of such of the employees who despite acceptance of a part of the retirement benefit under the scheme had continued under the orders of the High Court and has retired on attaining the age of superannuation, this order shall not apply;"

In this case, admittedly, the respondent-Bank had deposited all amounts due, under the Scheme, in the Bank Account of the applicant. If matters are stood as such, a different situation may have arisen. However, admittedly the applicant withdrew sums of Rs. 2,50,000/- and 25,000/- from that account. We are unable to accept the submission that this withdrawal was not under the aforesaid Scheme. This money was not due to the applicant except under the Scheme. The applicant could not have withdrawn the same except under the Scheme. Having withdrawn the amounts due under the Scheme, mere re-deposit of the same would not help the applicant. The first direction being clear, this I.A. stands dismissed.

.....J.

(S.N.Variava)

.....J.

(H.K.Sema)

New Delhi,
August 25, 2003.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A. NO. 4 OF 2003

IN

CIVIL APPEAL NO. 883 OF 2002

Bank of India & Ors.

... Appellant (s)

Versus

Ramesh Mohanlal Jumani

... Respondent (s)

O R D E R

In view of dismissal of IA 3 of 2003, this IA does not survive. It, thus, stands dismissed.

.....J.

(S.N.Variava)

.....J.

(H.K.Sema)

New Delhi,
August 25, 2003.