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C.A.No. 5052 OF 1999

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ITEM NO.109

COURT NO.7

SECTION XV@@

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

CIVIL APPEAL NO.5052 OF 1999@@

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Andhra Bank Officers Union, Hyderabad ... APPELLANT(S)

VERSUS

Andhra Bank and Ors. ... RESPONDENT(S)

Date: 15/03/2001. This/These matter(s) were called on for hearing today.@@

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CORAM:

HON'BLE MR. JUSTICE S. RAJENDRA BABU

HON'BLE MR. JUSTICE S.N. VARIAVA

For the Appellant(s) Mr. Pavan Kumar, Adv.
Mr. A.P. Sinha, Adv.

For the Respondent (s) Mr. V.R. Reddy, Sr. Adv.
Mr. P.P. Singh, Adv., Adv.
Mr. Sunil Murarka, Adv.

Mr. D.S. Mahra, Adv.

Mr. Shrish Kumar Misra, Adv.

UPON hearing counsel the Court made the following

O R D E R

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The appeal is dismissed. There shall be no order as to costs.

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(K.K. Chawla) (Om Prakash) @@

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Court Master Court Master@@

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[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5052 OF 1999@@
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Andhra Bank Officers Union, Hyderabad ... Appellant(s)

Versus

Andhra Bank and Ors. ... Respondent(s)

O R D E R@@
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The appellant before us is Andhra Bank Officers Union, Hyderabad. For constituting the Board of Directors under the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, it is provided that one Director from among the employees of the nationalised bank, who are not workmen to be appointed by the Central Government after consultation with the Reserve Bank.

It is contended on behalf of the appellant that under the Scheme, the appropriate course would be that where there are more than one Officers' Associations or Unions it would be proper to identify representative Association/Union in the same manner as is done in the case of representative Union in relation to workmen. In support of this submission the learned counsel has ...2/-

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relied upon a decision of this Court in All India Bank@@
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Officers' Confederation v. Union of India (1989) 4 SCC@@
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90. He highlights that the procedure adopted now in finding out the number of subscribers in each of the Association or Union of Officers by check off system is not proper and the proper course will be to refer the matter to Chief Labour Commissioner and to find out as to which is the representative Association or Union of the Officers from whom a Director could be nominated to the Board of Directors. The procedure adopted by the respondents was challenged in a writ petition before the High Court and the learned Single Judge allowed the writ petition. On further appeal, the Division Bench set aside that order and dismissed the writ petition. Hence this appeal.

The contentions urged before the High Court have been repeated before us. It is clear from the provisions of the Scheme that one Director from among the employees of the nationalised bank, who are not workmen to be appointed by the Central Government after

consultation with the Reserve Bank. The principle

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stated by this Court in All India Bank Officers'@@
Confederation (supra) does not detract from the@@
principle adopted by the respondents in identifying as
to which of the Officers' Association/Union has to be
taken note of in nominating the Director. Therefore, we
think the view taken by the Division Bench of the High
Court in this case is perfectly justified and does not
call for any interference. The appeal is therefore
dismissed. There shall be no order as to costs.

.SP1

.....J.
(S. Rajendra Babu)

.....J.
(S.N. Variava)

New Delhi,
March 15, 2001.