

ITEM NO.6

COURT NO.7

SECTION XV

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 (C) NO(S). 5480/2009  
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 14/08/2008  
IN WA NO. 943/2007 PASSED BY THE HIGH COURT OF MADRAS)

MANAGEMENT OF KARUR VYSYA BANK LTD.

PETITIONER(S)

VERSUS

S.BALAKRISHNAN  
(WITH INTERIM RELIEF AND OFFICE REPORT)  
(FOR FINAL DISPOSAL)

RESPONDENT(S)

Date : 03/02/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI  
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Mr. P.P. Rao, Sr. Adv.  
Mr. T.S.G. Anand, Adv.  
Mr. Srivignesh, Adv.  
Mr. Biju Thangappan, Adv.  
Mr. T. Harish Kumar, Adv.

For Respondent(s) Mr. S. Thananjayan, Adv.

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

In this case, we are confronted with what should be the true meaning, purport and effect of Sections 33(1), 33(2) (b) and 33A of the Industrial Disputes Act, 1947. The said question necessarily will have to be answered in the context of a long line of the decisions of this Court commencing with (1955) 1 SCR 1241, AIR 1958 SC 761, (1960) 1 SCR 806, (1961) 2 SCR 590, (1978) 2 SCC 144].

We are also required to consider the true purport and effect of a decision of the Constitution Bench of this Court in Jaipur Zila Sahakari Bhoomi Vikas Bank Ltd. Versus Ram Gopal Sharma and others [(2002) 2 SCC 244], particularly, the law laid down/views expressed in Paragraphs 13, 14 and 15 thereof.

A recent decision of a two judge bench of this Court in Rajasthan State Road Transport Corporation and another versus Satya Prakash [(2013) 9 SCC 232], to which one of us (Ranjan Gogoi, J.) is a party, is also required to be considered.

We have been rendered valuable assistance in the matter by Shri P.P. Rao, learned Senior Counsel who though appearing for the petitioners has placed before the Court what in his comprehension is the true purport and effect of the aforesaid provisions of the Act and the decisions of this Court. However, to enable us to proceed further in the matter and take a final decision as to whether there is any justification/need for reference of the questions that arise in this case to a larger Bench we require the assistance of either the Attorney General for India or the

Solicitor General of India. We request either the Attorney General for India or the Solicitor General of India to make some time available and render assistance to the Court in the light of what has been recited in the present order.

Office to furnish a copy of the Special Leave Petition along with all the enclosures thereto and a copy of the present order to the office of the Attorney General for India and the Solicitor General of India by tomorrow i.e. 4<sup>th</sup> February, 2016. Between the aforesaid two authorities we would expect either of them to appear before the Court on the next date fixed and render necessary assistance in the matter.

List the matter on 10<sup>th</sup> February, 2016 at the top of the list.

[VINOD LAKHINA]  
COURT MASTER

[ASHA SONI]  
COURT MASTER