

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

C.C.C. No. 677 to 679 of 2013

Between:

C. Narasimhappa and others

Complainant

A n d:

H.S. Upendra Kamath
Chairman & Managing Director,
Vijaya Bank

Respondent/Accused

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Bangalore,
Date:06.12.2013

Advocate for Respondent/Accused

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It is respectfully submitted as follows:

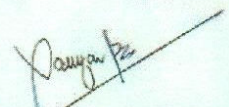
The Complainant has filed the aforesaid complaint alleging non-implementation of the order dated 18.04.2012 passed in W.P.No.24158/2011 and confirmed by the Division Bench of this Hon'ble Court in Judgment dated 30.07.2012 in W.A.No.2956-2977/2012. Subsequently the Bank approached the Hon'ble Supreme Court of India in SLP No.35402-35423 of 2012 and by an order dated 07.12.2012 the Hon'ble Supreme Court of India was pleased to permit the Bank to withdraw the petition with a liberty to approach the Hon'ble Division Bench for review. Accordingly the Bank filed Review Petitions in R.P.No.68/13 and R.P.No.331-351/2013. The said Review Petition was heard and rejected on 25.10.2013. The Bank thereafter applied for certified copy of the said order on 28.10.2013 and the Registry supplied the copy on 11.11.2013. Immediately thereafter the Bank has taken steps to file a Special Leave Petition challenging the orders dated 30.07.2012 and 25.10.2013 on 20.11.2013. The Bank had also sought for an interim prayer to stay the operation of the aforesaid orders as also further proceedings in the present Contempt of Court Case. The Special Leave Petition was numbered as SLP C.C. 20811 of 2013. The matter was listed on 02.12.2013 and after hearing arguments in part, it was adjourned to 06.12.2013.

Accordingly the matter was taken up by the Hon'ble Supreme Court of India for arguments, today. The Counsel on record in the Supreme Court has informed the undersigned that after hearing arguments the Hon'ble Supreme Court of India was pleased to dismiss the Special Leave Petitions filed by the Bank leaving the question of law open.

It was only on account of the filing of the Special Leave Petition and pendency of the interim prayer for stay that the Bank was not in a position to implement the order. Since the Hon'ble Supreme Court of India has dismissed the petitions, the Bank would take immediate steps to implement the same. In order to implement the same, all the ex-employees involved in the case are required to refund the Bank's contribution to provident fund with interest as per the Settlement/Circular.

WHEREFORE, it is prayed that the matter may be adjourned by 4 weeks to enable the Bank to implement the order, in the interest of justice and equity.

Bangalore,
Date:06.12.2013


Advocate for Respondent/Accused