

CASE NO.:
Appeal (civil) 5503 of 2003

PETITIONER:
Union Bank of India

RESPONDENT:
Venkatesh Gopal Mahishi & Anr.

DATE OF JUDGMENT: 08/01/2008

BENCH:
G. P. Mathur & Lokeshwar Singh Panta

JUDGMENT:
J U D G M E N T

INTERLOCUTORY APPLICATION NO. 5 OF 2007
IN
CIVIL APPEAL NO. 5503 OF 2003

O R D E R

1. Heard the learned counsel for the parties.
2. This application has been filed by the appellant \026 Bank for correction of factual submission No. 1 recorded at internal page 4 of the judgment of this Court dated 12.01.2007.
3. In the judgment dated 12.01.2007, this Court recorded three submissions made by Shri Raju Ramachandran, Senior Advocate appearing on behalf of applicant \026 bank. The first submission as recorded in the judgment was, \023pension regulations do not apply to the respondent No. 1 as he is an award staff\024. This submission appears to have been mistakenly mentioned in the judgment dated 12.01.2007 and it needs to be suitably corrected to the extent that \023there was no scheme/provision of voluntary retirement in the terms and conditions of service applicable to the award staff to which respondent No. 1 belonged.
4. The rectification of the above said submission is essential because this factual mistake has been recorded in the judgment as a submission of the learned senior counsel appearing on behalf of the appellant \026 bank due to oversight. The applicant \026 bank in this application has categorically submitted that the pension regulations are applicable to all employees of the bank irrespective of whether they are officers or award staff.
5. Thus, in the factual situation as noticed above, the first submission recorded in the judgment dated 12.01.2007 shall stand rectified and corrected to the above extent which shall form part of the main judgment. We may make it clear that this order of change/rectification of the factual mistake of first submission noticed in the judgment will have no bearing or effect on the final result of the appeal which was decided on other issues and contentions on merits.
6. Interlocutory Application stands, accordingly, allowed.