

Ct. 08
Item Nos.6, 7&8
04.09.2020
(suvendu)

MAT 143 OF 2020
With
CAN 5451 OF 2020
With
CAN 5452 OF 2020
With
CAN 4891 OF 2020

Federation of Bank of Baroda Officers' Associations & Ors.
Vs.
Union of India & Ors.

(Via Video Conference)

Mr. Soumya Majumder
Ms. Sanjukta Dutta
Mr. Victor Chatterjee
.....for the Appellants
Mr. Madan Murari Verma
Mr. Debu Chowdhury
Ms. S. Sen
.....for the Respondent No.1
Mr. Manas Dasgupta
.....for the Respondent No.2
Mr. U.S.Menon
Mr. Abhirup Chakraborty
.....for the Respondent No.3

The appellants undertake to affirm and stamp the petition as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video-conference on the basis of such undertaking.

Re. CAN 4891 of 2020

This application has been filed by the respondent no. 2 for extension of time to complete re-

verification process by Justice S.D.Pandit (Retired) for a period of eight weeks after normalcy restores in Mumbai. This application has been filed on the fact that this Division Bench on 11th March, 2020 disposed of the appeal by requesting Justice S.D.Pandit (Retired) to complete the entire process within eight weeks from the date of communication of the said order. In view of the pandemic situation, the process could not be completed.

Under such circumstances, we allow the prayer of the applicants. We request Justice S.D.Pandit (Retired) to complete the entire re-verification process within a period of eight weeks after restoration of normalcy in Mumbai.

An oral prayer is made on behalf of the respondent no.3 for extension of time to file affidavit-in-opposition. The time to file affidavit-in-opposition to be extended by three weeks from date. The said direction is peremptory. Reply, if any, shall be filed within three weeks thereafter.

CAN 4891 of 2020 is disposed of.

Re. CAN 5451 of 2020 and CAN 5452 of 2020

This is an application filed by the Federation of Bank of Baroda Officers' Associations seeking

direction upon the respondent bank to remit the Union subscription to the applicant Union in respect of its members upto Scale-III officers from March 2020 with arrears and to continue remitting the same month by month without prejudice to the applicant's rights and contentions.

In the order dated 11th March, 2020 we have passed the following direction.

“The learned Counsel representing the majority Union submits that the subscription should be deducted from the salary of the respective employees after check-off. Since we are of the view that the freedom of choice of the membership should be left to the individual employee and is a matter to be considered by respective trade unions unless a list is prepared, it would be difficult to ascertain the strength of a trade union. The earlier list prepared is set aside.

For the time being, the deduction of the subscription by applying online check-off system should not be given effect to. After the entire exercise is over, all the parties shall be at liberty to apply before the learned Single Judge for appropriate order.”

In view of the aforesaid direction, the prayer of the applicant seeking direction upon the respondent

bank to remit the Union subscription to applicant cannot be allowed at this stage.

CAN 5451 of 2020 and CAN 5452 of 2020 are disposed of.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)