

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.482 OF 2010
IN
WRIT PETITION NO.438 OF 2008**

The Canara Bank Officers Association
& Ors.

...Petitioners

vs.

Union of India and Ors.

...Respondents/Applicants

Mr. Sean Wassoodew a/w. Ms. Vijaya Ingule and Mr. Rupesh Mandhare for the Petitioners.

Mr. Suresh Kumar for Respondent Nos.1 to 3/Applicants in NMW No.482/2010.

Mr.Piyush Shah for Respondent No.4.

**CORAM : K. R. SHRIRAM AND
AMIT B. BORKAR, JJ.**

DATE : 16 DECEMBER 2021.

P. C. :

This is a Notice of Motion to recall order dated 31/3/2008 lodged on 7/9/2010. This Court by its order dated 31/3/2008 restrained Respondent No.4 i.e. Canara Bank from deducting taxes from the salary of the employees on the basis of circular dated 22/5/2007 and remitting the same to the Income Tax Department.

2. Revenue wants that the order be recalled.
3. We are not inclined to grant the relief prayed in the motion because:

a) That order was passed on 31/3/2008 and has been in force for almost 14 years;

b) The motion itself was taken two and half years after the order came to be passed; and

c) The motion itself would not have been listed before us today had the Court not directed the petition to be listed for final hearing.

4. Moreover at the request of respondent, petition is listed on 17/12/2022 for final hearing.

5. Accordingly, Notice of Motion stands disposed.

(AMIT B. BORKAR, J)

(K. R. SHRIRAM, J.)

Digitally signed
by
RAJESHWARI
SUBODH
KARVE
Date:
2021.12.18
11:02:24 +0530