

à

SLP(C)No. 2150 OF 2003
ITEM No.28

Court No. 6

SECTION XV
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.2150/2003

(From the judgement and order dated 12/11/2002 in CMWP 28038/99
of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

U.P. STATE ELECTRICITY BOARD

Petitioner (s)

VERSUS

TARIQ KHAN & ORS.

Respondent (s)

(With prayer for interim relief)
(With office report)

Date : 26/09/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s)

Mr. Pradeep Misra,Adv.

For Respondent (s)Mr. Parthapritam Chaudhauri,Adv.

Mr. Aditya Sharma,Adv.

Mr. Anil Sharma,Adv.

Mr. K.S. Rana,Adv.

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The Appeal is allowed.

[SUMAN WADHWA][MADHU SAXENA)
COURT MASTER COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2003
(Arising out of SLP(C)No. 2150/2003)

U.P.State Electricity Board... Appellant

versus

Tariq Khan & Ors.... Respondents

O R D E R

Leave granted.

This appeal has been preferred from an interim order passed by the High Court on 12.11.2002. The order of the High Court was passed in a writ petition filed by the appellant challenging the decision of the Labour Court by which the Labour Court had directed reinstatement of the respondents. The Labour Court had expressly stated that the respondents would not be entitled to backwages or any other facilities during the relevant period. In the employer's writ petition the High Court passed an order on

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20.7.1999 by which it stayed the operation of the Award provided the appellant went on paying to the employee respondents month by month amounts equivalent to wages last drawn by them. The High Court had correctly applied the principles of Sec.17-B of the Industrial Disputes Act, 1947. However, in addition to what was granted on 20.7.1999, by a subsequent order the High Court directed the appellant to deposit a further sum of Rs.50,000/- out of which Rs.30,000/- was permitted to be withdrawn by the two employees without furnishing security. There is no warrant in law to have passed such an order. The impugned order is accordingly set aside and the matter is remanded back to the High Court. The Appeal is allowed. No costs.

.....J.(RUMA PAL)

.....J.
(P.VENKATARAMA REDDI)
New Delhi;
September 26, 2003.