

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(s).3124/2005

(From the judgement and order dated 03/01/2005 in WP No. 200/2001 of The HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH AT LUCKNOW)

CHAIRMAN & M.D., I.T.I. LTD. & ANR.

Petitioner(s)

VERSUS

A.S. PATHAK & ORS.

Respondent(s)

(With prayer for interim relief)

WITH S.L.P.(C) NO. 3289 of 2005

(With prayer for interim relief and office report)

Date: 18/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

Mr. Gopal Subramaniam, Sr.Adv.

Mr. Dayan Krishnan, Adv.

Mr. Nikhil Nayyar,Adv.

Mr. Gautam Narayan, Adv.

For Respondent(s)

Mrs. Shobha Dikshit, Sr.Ad.

Mr. Shail Kumar Dwivedi,Adv.

Mr. G.V. Rao, Adv.

UPON hearing counsel the Court made the following

O R D E R

Mr.S.K.Dwivedi, learned counsel, appears for all the respondents in
S.L.P.

(C) no.3289/2005.

Leave granted.

The appeals are disposed of, in terms of the signed order.

(N. Annapurna)
Court Master

(V.P. Tyagi)
Court Master

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2005

(Arising out of S.L.P.(C)No.3124/2005)

Chairman & M.D., I.T.I.Ltd. & Anr.
ants

...Appell

Versus

A.S. Pathak & Ors.
dents

...Respon

With Civil Appeal No.....of 2005
(Arising of of S.L.P.(C) No.3289/2005)

O R D E R

Mr.S.K.Dwivedi, learned counsel, appears for all the respondents in

S.L.P.(C)No.3289/2005.

Leave granted.

The appellants are aggrieved by the impugned order dated 3rd January, 2005 whereby, as an interim measure, it has been directed that the respondents/appellants herein would pay all dues admissible to the writ petitioners within specified time subject to further orders. Our attention has been drawn to the circular dated 21st July, 2000 issued by Government of India, Ministry of Communication, Department of Telecommunications, and reliance is placed, inter alia, on clause 2(ii) thereof in support of the contention that the payment of revised salary is linked with the improvement of the profitability position of the Company, generation and availability of funds. Further reliance is placed on the Personnel Policy Circular No.456, dated 29th July, 2000, as also on the letter dated 12th December, 2000 addressed to one of the respondents on the issue of recalculation of voluntary retirement compensation. It appears that none of these documents have been considered by the High Court.

In this view, we are unable to sustain the impugned direction of the High Court for payment as an interim measure, which we set aside. The High Court shall

consider the matter afresh and pass appropriate orders, after hearing counsel for the parties and taking into consideration all relevant documents and facts and circumstances. We express no opinion on merits, one way or the other.

Considering the nature of the case, we request the High Court to decide this issue expeditiously.

The appeals are disposed of accordingly.

.....J.

(Y.K. SABHARWAL)

.....J.

(P.P. NAOLEKAR)

New Delhi,

April 18, 2005.