

ITEM NO.104

COURT NO.7

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO(s). 6710 OF 2004

SUSHIL KUMAR & ORS.

Appellant (s)

VERSUS

D.G. OF WORKS, C.P.W.D. & ANR.

Respondent(s)

(With prayer for interim relief and office report)

WITH Civil Appeal NO. 7015 of 2004

(With prayer for interim relief and office report)

Date: 14/01/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU

HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s) Mr. R.K. Kapoor, Adv.

in CA 6710/04

Mr. Harish C. Pant, Adv.

Mr. Romil Pathak, Adv.

Mr. Anis Ahmed Khan, Adv.

in CA 7015/04

Mr. A.K. Bajpai, Adv.

Mr. M.F. Khan, Adv.

Mr. B.K. Prasad, adv.

Mr. Goodwill Indeevar, Adv.

For Respondent(s) Ms. Indra Jaising, ASG

Mrs. Indira Sawhney, Adv.

Mr. SWA Qadri, Adv.

Mr. Ron Bastian, Adv.

Ms. Saima Bakshi, adv.

Ms. Rashmi, Adv.

Ms. Shweta Verma, Adv.

Mrs. Kiran Bhardwaj, Adv.

Mrs Anil Katiyar, Adv.

Mr. V.K. Verma, Adv. (Not present)

UPON hearing counsel the Court made the following

O R D E R

C.A. No. 6710/2004

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C.A. No. 6710/04 etc.

Heard learned counsel for the parties.

The impugned judgment and order dated 3.12.2003

is set aside and the LPA No. 13/2003 is restored to the

file of the Delhi High Court for re-hearing and re-

consideration in accordance with law and the observations

made in the signed order.

Appeal allowed. No order as to the costs.

C.A. No. 7015/2004

In view of the order passed in C.A. No. 6710/2004, the impugned judgment and order is set aside and the matter remanded to the High Court for re-hearing and re-consideration in accordance with law.

Appeal allowed. No order as to the costs.

(Ajay Kr. Jain)
Court Master

(Indu Satija)
Court Master

(Signed order is placed on the file)

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C.A. No. 6710/04 etc.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 6710 OF 2004

Sushil Kumar & Ors.

....

Appellants

Versus

D.G. of Works, C.P.W.D. & Anr.

....

Respondents

WITH CIVIL APPEAL NO. 7015 OF 2004

O R D E R

C.A. No. 6710/2004

1. Heard learned counsel for the parties.

2. This appeal is directed against the judgment and order dated 03.12.2003 of the Division Bench of the High Court of Delhi whereby the Letters Patent Appeal filed by the appellants has been dismissed.

3. One of the objections raised by Ms. Indra Jaising, learned Additional Solicitor General appearing for the Respondents is that the appellants are being paid salary and wages under the Central Civil Services (Revised Pay) Rules, 1997 and, therefore, The Minimum Wages Act, 1948 and

the rules framed thereunder are not applicable to them.

4. On the other hand, Mr. R.K. Kapoor, learned counsel for the appellants submits that the provisions of the C.A. No. 6710/04 etc.

Minimum Wages Act, 1948 and the rules framed thereunder are applicable to the appellants.

5. Upon a perusal of the judgment of the High Court, we find that this controversy has not been examined. In

our considered view, it would be in the fitness of things if the High Court reconsiders the entire matter in the backdrop of the aforesaid contentions and other pleas that may be raised by the parties.

6. We, consequently, set aside the impugned judgment and order passed by the Division Bench of High Court on 03.12.2003. Letters Patent Appeal No. 13/2003 is restored to the file of the Delhi High Court for re-hearing and re-consideration in accordance with law and the observations made above. The parties shall be at liberty to file additional affidavits and documents before the High Court.

Appeal allowed. No order as to the costs.

C.A. No. 7015/2004

In view of the order passed in C.A. No. 6710/2004, the impugned judgment and order is set aside and the matter remanded to the High Court for re-hearing and re-consideration in accordance with law and observations made in order in C.A. No. 6710/2004.

Appeal allowed. No order as to the costs.
5 C.A. No. 6710/04 etc.

.....J.
(MARKANDEY KATJU)

.....J.
(R.M. LODHA)