

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

CIVIL APPEAL NO(s). 610 OF 2006

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

Appellant (s)

VERSUS

SUBHAS CHANDRA BHARARA & ANR. Respondent(s)  
(With prayer for interim relief and office report )

WITH Civil Appeal NO. 564-605 of 2006  
(With prayer for interim relief and office report)

Civil Appeal NO. 606 of 2006  
(With prayer for interim relief and office report)

Civil Appeal NO. 611 of 2006  
(With prayer for interim relief and office report)

Date: 13/01/2011 These Appeals were called on for hearing  
today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI  
HON'BLE MR. JUSTICE DEEPAK VERMA

For Appellant(s) Mr.Gopal Subramaniam, Sol.Genl.of India  
Mr.Gautam Narayan, Adv.  
Mr. Nikhil Nayyar, Adv.  
Mr.Nikhil A.Menon, Adv.

For Respondent(s) Mr.Vivek Singh, Adv.  
for Mr. Abhijit Sengupta, Adv.

Ms. Kiran Suri, Adv.  
Ms.Aparna Mattoo, Adv.

Mr.K.M.Darpan, Adv.  
Mr.A.Dasharatha, Adv.  
for Mr.Naveen R.Nath, Adv.

Respondent in person (NP)  
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UPON hearing counsel the Court made the following  
O R D E R

We have heard learned Solicitor General of India and  
learned counsel appearing for the respondents. Learned  
Solicitor General has drawn our attention to Clause 5.5 of the  
"Scheme for Voluntary Retirement of the Non-Officers and  
Officers", which reads as under :

"The ex-gratia (amount under the scheme will be  
calculated based on monthly emoluments (Basic +  
DA) paid or drawn by the employee preceding the  
day of retirement. VR optee will be eligible for  
recalculation of ex-gratia amount on the revised

Basic Pay + DA payable consequent to the revision of scale of pay."

Learned Solicitor General fairly submitted that the respondents are entitled to recalculation of ex-gratia amount on the revised basic pay + D.A. payable consequent to revision of scale of pay. So, as far as entitlement of the respondents to receive the revised pay scale is concerned, there is no dispute. Learned Solicitor General further submits that the appellant company has filed Reference No.504 of 2004, which is pending adjudication before the B.I.F.R. Learned Solicitor General further submits that the appellant has been declared as a sick unit and a draft rehabilitation scheme has been framed.

In the peculiar facts and circumstances of these cases, we request the B.I.F.R. to dispose of the Reference No.504 of 2004 pending between the parties before it as expeditiously as possible, in any event, within three months

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from the communication of this order, under intimation to this Court.

These appeals would be taken up after four months for directions.

(G.V.Ramana)  
Court Master

(Neeru Bala Vij)  
Court Master