

f%

SLP(C)No. 11881 OF 2003
ITEM No.30

Court No. 4

SECTION XV
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.11881/2003

(From the judgement and order dated 12/12/2002 in CWP 19667/02
of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

BHAKRA BEAS MANAGEMENT BOARD

Petitioner (s)

VERSUS

GEN.SECY.,B.B.M.B.MAZDOOR UNION

Respondent (s)

(With prayer for interim relief and office report)
(With Appln(s). for c/delay in filing SLP)

Date : 20/02/2004 These Petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner (s) Mr.Dhruv Mehta,Adv.
M/s K.L. Mehta & Co.

For Respondent (s) Respondent-In-Person

UPON hearing counsel the Court made the following
O R D E R

Leave granted. The appeal is allowed but without any order as to costs.

(USHA BHARDWAJ)
P.S. TO REGISTRAR

(MADHU SAXENA)
COURT MASTER

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO...../2003
(Arising out of SLP(Civil) No.11881 of 2003)

Bhakra Beas Management Board, ...Appellant

vs.

O R D E R

Leave granted.

The respondent Union represents 8 workmen who had been appointed between the year 1981 to 1984 by the appellant Board as Security Guards. The pay scale determined by the appointment letters was Rs.300-430/- The appellant Board had at all material times adopted the pay-scales of the Punjab State Electricity Board in respect of its employees. The workmen raised a demand in 1989 under Section 33-C(2) of the Industrial Disputes Act, 1947 before the Labour court claiming parity of pay-scales with Security Guards of the Punjab State Electricity Board, namely, Rs.350-600/- as well as the revised pay-scales thereon. The application was, however, rejected by an order dated 19.1.89 by the Labour Court holding that the applications were incompetent since there was a dispute as to the liability of the appellant Board to grant the respondents-workmen the pay scales

:2:

applicable to the Security Guards of Punjab State Electricity Board.

Subsequent to this a Reference was made under Section 10 of the Industrial Disputes Act, 1947 in which the following issue was raised:

"Whether the action of management of BBMB in placing the Security Guards (as per list enclosed) in the pay scales of Rs.300-430/- from due date of their apptt. instead of Rs.350-600/- and not granting the scale of Rs.950-1800 w.e.f. 1.4.86 is justified? If not, what relief the concerned workmen are entitled to?"

The stand of the appellant before the Labour Court was that although the PSEB pay-scales had been adopted and that the PSEB pay-scales as far as the Security Guards were concerned was Rs. 350-600/- at that point of time, nevertheless the 8 workmen were not entitled to be paid the same pay-scales because they were not discharging the same functions as the Security Guards of the PSEB. According to the appellant they were merely performing the duties of Chowkidars.

The Labour Court by its award allowed the Reference in favour of the workmen. The challenge of the appellant to the award of the Labour Court under Article 226 was rejected by the High Court.

:3:

After hearing the submissions of the parties, we are of the view, that the High Court did not err by refusing to interfere with the award of the Labour Court. However as the claim of the respondent-workmen had been filed after, in some cases, a delay of about 8 years, and in some cases after five years, we are of the view that the benefit of the Award of the Labour Court should be granted with effect from February, 1989 when the reference under Section 10 was made.

Such payment shall be made within a period of three months from date.

The appeal is allowed but without any order as to costs.

.....J.

(RUM

A PAL)

.....J.

(S.H. KAPADIA)

New Delhi,

Dated : 20.2.2004