

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.11450-11451/1997

(From the judgement and order dated 01/04/1997 & 7/5/97 in WP1087/97 of The HIGH COURT OF JUDICATURE AT BOMBAY)

Y.C. ZALANI & ANR

Petitioner (s)

VERSUS

LABOUR COMMISSIONER & ORS

Respondent (s)

(With Appln(s). for ex-Parte stay and exemption from filing c/c of the impugned Judgment and exemption from filing O.T. and urging adl. grounds and Office Report)

With SLP(C)No.565/2000

Date : 24/11/2000 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M. JAGANNADHA RAO
HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

For Petitioner (s) Mr. Kailash Vasdev,Adv.

For Respondent (s) Mr. C.G. Solshe,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Pending this SLP, an order was passed by this Court on 1.5.2000 as follows :

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.SP1

"Having heard learned senior counsel for the petitioners as well as learned counsel for the respondent-workmen, we deem it fit to adjourn these proceedings to 31st July, 2000.

In the meantime, without prejudice to the rights and contentions of both the sides, the petitioners shall pay at least two months' wages, which are not paid for the period from June 1996 to March 1997 to the concerned workmen, on due identification. The said payment shall be made through the Deputy Labour Commissioner, Aurangabad and the said amount shall be deposited with the Dt. Labour

Commissioner, Aurangabad within six weeks from today and on such deposit, the Dy. Labour Commissioner shall on due identification disburse the amount to the concerned workmen."

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.SP2

Admittedly, the said order has not been complied with. The reason given is that a winding up order passed by the BIFR is in appeal before AAIFR.

The net result of the proceedings is this. The BIFR directed winding up of the company. Aggrieved by that order, the petitioner filed an appeal before the AAIFR. If any scheme is to be framed, the scheme would necessarily have to deal and contain provision for workmen's dues. In case a scheme is not framed and winding up order passed by the BIFR is confirmed by the AAIFR, it will be for the Company Court in winding-up proceedings, to pass appropriate orders in accordance with the provisions of the Companies Act. Therefore, we do not see any purpose in continuing and keeping these special leave petitions pending. The special leave petitions are dismissed accordingly.

However, this order passed is without prejudice to the rights of the parties in AAIFR in proceeding under the provisions of the Sick Industrial Companies (Special Provisions) Act or before the Company Court, in case the matters go to the Company Court.

.SP1

Sarita (D.D. Jindal)@@
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