

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.5518/1998

U.P.S.E.B. Thr. Executive .. Appellant (s)
Engineer & Anr.

Vs.

Hydro Electric Employees Union & Anr. .. Respondent(s)

DATE :7.12.2000 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE S.N. VARIAVA

For Appellant (s) : Mr. Pradeep Misra, Adv.

For Respondent (s) : Ms. S. Janani, Adv.

UPON hearing counsel the Court made the following

O R D E R

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

Appeal is dismissed in terms of the signed order.

.SP1

(Meenu Sethi)
Court Master

(Meena Trikha)
Court Master

Signed order is placed on the file

.PA
.....L.....I.....J
.PL55

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5518 OF 1998

U.P.S.E.B. Thr. Executive .. Appellants
Engineer & Anr.

Vs.

Hydro electric Employees Union .. Respondents
& Anr.

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

In respect of four workmen a dispute was referred for adjudication as to whether reduction of pay scale from Rs.70-118 to Rs. 55-90 is valid or not, if so, to what relief they are entitled.

The claim of the workmen is that they were originally employed in the work charge establishment in the Electricity Transmission Division and on abolition of that establishment they were absorbed in the Board on a pay scale of Rs. 70-118. However, purporting to correct a mistake a corrigendum was issued to fix their pay scale on Rs.55-90 by stating that they have been appointed on the post of Coolie and not skilled Coolie The workmen claimed that they are skilled coolie and as such they are entitled to a higher pay scale. The respondents stand is that the workmen in question were only discharging the work of coolie and not of a skilled coolie and as such

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they are not entitled to higher pay scale claimed by them. The Tribunal examined the evidence placed before it and came to the conclusion that they were discharging the work of a skilled coolies and, therefore, they were entitled to be granted the higher pay scale indicated in the reference and granted the relief sought for by them. Against that award a writ petition was filed before the High Court unsuccessfully and hence this appeal.

Learned counsel for the appellant strenuously contended that there was no material before the Labour Court to indicate that the workmen in question were discharging the duties of a skilled coolie and, therefore, they were entitled to a higher pay scale. When on a question of fact the Tribunal has come to the conclusion on the material before it that the workmen were discharging the duties of a skilled coolie, we do not think we can make any fresh investigation of the same so as to displace that with our finding. Therefore, we find no merit in this appeal and the same is dismissed.

.SP1

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(S. RAJENDRA BABU)@@
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(S.N. VARIAVA) @@
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New Delhi,@@
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December 7, 2000.@@
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