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C.A.No. 11748 OF 1996
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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.11748 OF 1996@@
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Ibrahim Latif Khan & Anr.

Appellant (s)

versus

U.O.I & Ors.

Respondent (s)

O R D E R@@
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The appellants herein were allegedly employees of retail shop owned by Tata Textiles. The Tata Textile Undertaking was taken over pursuant to Take-over of Management Act, 1983. These appellants were out of employment from 18.10.1983 to 10.10.1984. These appellants filed a writ petition before the High Court of Bombay claiming back wages for this period. They also claimed regular pay pursuant to their appointment in National Textile Corporation (hereinafter referred to as 'NTC'), after taking over of the management of Tata Textile under the Act. After these appellants were given employment, they were given some fixed amount as their pay. By the impugned judgment the Division Bench had directed that these appellants be paid 50% of the back wages for the period from 18.10.1983 to 10.10.1984. As regards the payment of salary and allowances subsequent to their appointment i.e. from 1.11.1984 to

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30.6.1995, it was held that they were entitled to get 50% of difference between minimum wages actually received by them and the wages payable to them in the regular pay scale. In this appeal the appellants urged that the backwages should not be restricted to 50%. It is also contended that these appellants should have been paid the full salary and allowances on regular pay scale. The prayer of the appellants is objected to by the respondent.

Counsel for the respondents submitted that these appellants were not regular employees of Tata Textiles, which had been taken over under the Act. They were working only in the retail shop which was run by the agent of the Tata Textile. It is also contended that these appellants are now employees of N.T.C. and N.T.C. itself is in serious financial difficulties and that the scheme for revival has been approved by B.I.F.R. which is under implementation.

Having regard to the above facts, we do not think that there shall be a direction to pay full back wages to the appellants. The appellants have been given reasonable amount as their back wages and the discretion exercised by the Division Bench in a petition under Article 226 does not seem to be erroneous or unreasonable under the facts and

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circumstances of this case. We do not find any reason to interfere in the same. The civil appeal is dismissed.

.SP1

.....J
(K.G.Balakrishnan)

New Delhi,
January 14, 2003.

.....J
(P.Venkatarama Reddi)

.PA

ITEM No.104

Court No.11

SECTION IX

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. 11748/1996

Ibrahim Latif Khan & Anr.

Petitioner (s)

VERSUS

U.O.I. & Ors.

Respondent (s)

(With Appl.(s) for stay)

Date : 14/01/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s)

Mr. Narayan B. Shetye, Sr. Adv.
Mr. Ashok Grover, Sr. Adv.
Ms. Anupama Grover, Adv.
Mr. Shivaji M. Jadhav, Adv.
Mr. Himanshu Gupta, Adv.

For Respondent (s)

Mr. S. Wasim A. Qadri, Adv
Mr. D.S. Mahra, Adv.

Mrs. B. Sunita Rao, Adv.

UPON hearing counsel the Court made the following

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Heard learned counsel for the parties. Appeal is dismissed in terms of the signed order.

.SP1

(Saroj Bala)
PA to Addl. Registrar

(K.K. Chadha)
Court Master

(Signed order is placed on the file)