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C.A.No. 11778 OF 1996
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~ ITEM N.103 9 COURT NO. 7 SECTION XV

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. 11778/1996

S.P. Borkar & Ors. .. Appellant (s)

Vs.

N.T.C. (S.M.) Ltd. & Ors. .. Respondent(s)

(With appln. for stay and permission to place addl. documents on record, and office report)

With C.A. No. 11779/1996 (With appln. for stay and permission to place addl. documents on record).
C.A. 11780/1996 (with appln. for stay and permis;ision to place addl. documents on record)

With I.A. No. 3 as appln. for permission to file addl. affidavit

DATE :14.2.2001 : 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. PHUKAN

For Appellant (s) : Mr. Ashok Grover, Sr. Adv.
Mr. N.B. Shetye, Sr. Adv.
Mr. S.M. Jadhav, Adv.
Mr. Sunil Kr. Verma, Adv.

For Respondent (s) : Mr.Ranjit Kumar, Sr. Adv.
Ms. B. Sunita Rao, Adv.

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

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

The appeals are dismissed in terms of the signed order.

.SP1

(Meenu Sethi) (D.D. JINDAL)
Court Master Court Master

Signed order is placed on the file

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.11778 OF 1996@@
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S.P. Borkar & Ors. .. Appellants

Vs.

N.T.C.(S.M.) Ltd. & Ors. .. Respondent

WITH

C.A.No. 11779/1996, C.A. No. 11780/1996

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AAAAAAAAA

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

On complaint made by the appellants in each one of these cases under Section 28 read with items -5 and 9 of Schedule IV of the Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act, 1971, the Industrial Court examined the pleadings and evidence put in by both the parties and found that it would not be just and proper to thrust upon the Mill the appellants and therefore alternative remedy should be granted instead of reinstatement and, thereafter, made an order as follows:

.....L.....J
.SP1

" Complaint is partly allowed.

The respondent Mill is directed to calculate and pay on the principle of introducing voluntary retirement scheme 40 days salary for each completed year to the complainant.

It is further directed to pay 25% back wages towards compensation to the complainant from the date of filing the complaint till the date of order.

The Respondent Mill is further directed to pay gratuity to the complainant applicable as per law.

-2-

If any amount was already paid to the complainant during the pendency of the complaint, it may be deducted from the aforesaid amount.

The respondent Company to comply with this order within one month from the date of this order.

No order as to costs."

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

The appellants were aggrieved by this order and filed writ petitions before the High Court challenging the correctness of the same. The High Court is of the

view that the order of this nature does not call for any interference as the same is based upon consent given by the parties for giving alternative relief instead of reinstatement. The High Court rejected the writ petitions. Hence these appeals by Special leave.

We have examined the records of the cases and are of the view that there was no agreement between parties in passing the order. However, it is clear that the Industrial Court had taken into consideration various suggestions made by the learned counsel appearing for either of the parties and came to the conclusion as stated above. In the circumstances, it would not be fit or proper on our part to interfere with the order made by the Industrial Court as affirmed by the High Court. We

-3-

decline to interfere with the same. The appeals are dismissed accordingly.

It is brought to our notice that the order of the Industrial Court is not yet complied with by the respondents. The learned counsel for respondents seeks for some time to do so. Let the amounts determined by the Industrial Court be paid within a period of three months from today.

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(S. RAJENDRA BABU)@@
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(S.N. PHUKAN) @@
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New Delhi,@@
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February 14, 2001.@@
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