

&
SLP(C)No. 19750 OF 2003

ITEM No.205

Court No. 9

SECTION XVI
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.19750/2003
(From the judgement and order dated 24/04/2003 in APOT 450/01
of The HIGH COURT OF CALCUTTA)

M/S. BHARAT PROCESS & MECH.ENGINEERS LTD

Petitioner (s)

VERSUS

BPMEEL EMPLOYEES UNION & ORS.
(With prayer for interim relief)
(For Final Disposal)(Office report)

Respondent (s)

Date : 25/11/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

HON'BLE MR. JUSTICE A.K. MATHUR

For Petitioner (s)Mr. Ajit Pudussery,Adv.

For Respondent (s)Mr. Prabirananda Chowdhary,Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed order.

Copy of this order to be communicated to Official Liquidator.

(Meenu Sethi)
Court Master

(Promila Nagpal)
Court Master

Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7623/2004
(Arising out of SLP(C) No. 19750/2003)

M/s Bharat Process & Mech. Engineers Ltd.
...
Appellant

VERSUS

BPMEEL Employees Union & Ors.
...
Respondents

O R D E R

Leave granted.

This appeal arises out of the order passed by the Division Bench of the Calcutta High Court in an appeal against the order of the learned Single Judge in the Writ petition. In that writ petition, the validity of the closure order under Section 25-D of the Industrial Disputes Act was questioned. The writ petition was dismissed upholding the closure of the undertaking. On appeal, the Division Bench of the High Court

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did not upset the order of the learned Single Judge in regard to the closure. Even before us no argument has been addressed that the closure was arbitrary or illegal.

However, the Division bench, while disposing of the appeal, had gone further and gave certain directions regarding consideration of the representation of the respondent-Union in regard to implementation of the Voluntary Retirement Scheme. It is admitted that the Company has been wound up and the Official Liquidator has been appointed. The question of implementation of V.R.S. or an analogous scheme by the Management at this stage does not arise especially when it was not the subject-matter of the writ petition filed in the High Court. Even the direction given to the Central Government to consider the representation of respondent-Workers' Union goes beyond the scope of the Writ petition and is unwarranted. However, it is stated by the learned counsel for the respondents that there are certain schemes initiated by the Central Government which are in force according to which the financial liability on

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account of V.R.S. of Public Sector Undertakings is met out of the fund of the Central Government. If so, nothing said herein shall preclude the respondent-Union from approaching the Central Government for according the benefits, if any, due to them.
In regard to payment of dues of employees of the Company, we would like to observe that the O

Official Liquidator, subject to the directions of the High Court, if any, will take expeditious steps and give due priority for the payment of the said dues. The appeal is disposed of accordingly.

Copy of this order to be communicated to Official Liquidator.

.....J.
(P.VENKATARAMA REDDI)

.....J.
(A.K. MATHUR)
New Delhi,
November 25, 2004.