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SLP(C)No. 1259 OF 2001
L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6725 OF 2001@@
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(Arising out of SLP(C) No. 1259/2001)

Radhey Shyam Misra ...Appellant

Versus

Union of India ...Respondent

O R D E R

.SP2
.....L.....I.....J
Leave granted.

On a claim made under Section 33-C(2) of the Industrial Disputes Act in L.C.A. No.219/1987 on the file of the Presiding Officer, Central Government Industrial Tribunal Cum Labour Court, Pandu Nagar, Kanpur, U.P., the Labour Court made the following observations:

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

"So with this observation that his pay in the revised scale of pay of Rs.1400-2300 was Rs.1900/- p.m. as on 1-1-1986 and Rs.1950/- p.m. as on 1.1.1987, I dismiss his application u/s 33C(2) I.D.Act with further observation that he shall be at liberty to bring a fresh claim in respect of various heads of his claim mentioned in annexure B to the petition u/s 33C(2) I.D.Act and wages if any due to him from 1.10.1985, after getting the point of his retirement age determined in proceedings u/s 10(1)(C) I.D.Act or if he finally accepts 28.2.1987 as the date of his retirement."

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

So far as wages are concerned, the Labour Court has also dismissed the matter on the question as to the age of retirement. The Labour Court directed that he should approach the Industrial Tribunal under Section 10(C) of the Industrial Disputes Act and disposed of the matter. Again the appellant approached the Labour Court by filing an

application being L.C.A. No. 143/1997. In that case it was noticed that the order made in L.C.A.No. 219/1987 had become final, however, directed the appellant to work out his rights further by approaching the authorities concerned and thereafter seeking for a reference under

Section 10 of the Industrial Disputes Act.

We do not think when the Labour Court had already made an order as to what the wages should be, there was any need for the Labour Court to direct the appellant to approach the other authorities. Similar mistake has been committed by the High Court by not entertaining the Writ Petition filed by the appellant. We, therefore, allow this appeal and direct the respondent to work out the wages of the appellant and pension as directed by the Labour Court in L.P.A. No. 219/1987 as extracted above. The appeal is allowed accordingly.

.SP1

.....J
[S. RAJENDRA BABU]

.....J
[DORAISWAMY RAJU]

New Delhi,
September 24, 2001.

.PA

ITEM No.43

Court No. 7

SECTION XV
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.1259/2001

(From the judgement and order dated 08/08/2000 in SA 173/98
of The HIGH COURT OF U.P AT LUCKNOW)

RADHEY SHYAM MISRA

Petitioner (s)

VERSUS

UNION OF INDIA

Respondent (s)

(With Office Report)

Date : 24/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Petitioner (s)

Petitioner-In-Person, Adv.

For Respondent (s)

Mrs Anil Katiyar, Adv.

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