

JITEM NO.115

COURT NO.6

SECTION XIA

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(s). 3843 OF 2007

UNION OF INDIA & ANR

Appellant (s)

VERSUS

NATIONAL TYRE & RUBBER CO.INDIA LTD.&ANR

Respondent(s)

Date: 21/07/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s) Ms. Sunita Rani Singh, Adv.for
Mr. B. Krishna Prasad,Adv.

For Respondent(s) Mr. M.T. George,Adv.

Mr. P.I. Jose ,Adv

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

The Appeal is allowed in terms of the signed order.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3843 OF 2007

Union of India & Another

..Appellants

versus

National Tyre & Rubber Co.
India Ltd. & Anr.

..Respondents

O R D E R

Heard learned counsel for the parties.

This Appeal has been filed against the impugned
judgment and order dated 19th January, 2006 passed by the

High Court of Kerala at Ernakulam in Writ Appeal No.891 of 2005.

The facts have been set out in the judgment of the Division Bench as also of the learned Single Judge and hence we are not repeating the same here.

The short question is whether the respondent No.1-company was liable to pay additional cost recovery charges on account of revision of pay of customs personnel pursuant to Vth Pay Commission Report.

We are of the opinion that since the respondent No.1-company was liable to pay the pay and allowances of the customs personnel, it was also liable to pay the revision in pay pursuant to Vth Pay Commission Report.

Accordingly, this appeal is allowed and the impugned judgment of the Division Bench as well as of the learned

CIVIL APPEAL NO.3843 OF 2007

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Single Judge are set aside and the Writ Petition filed by the respondent No.1 stands dismissed. However, any amount already paid shall be adjusted.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
JULY 21, 2011

.....J.
[CHANDRAMAULI KR. PRASAD]