

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. 5198 OF 2007

THE REGIONAL DIRECTOR, E.S.I.C.& ORS. Appellant (s)

VERSUS

THE SECRETARY, E.S.I.C.EMPL. UNION & ANR. Respondent(s)

Date: 19/02/2014 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE  
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Appellant(s) Ms.Geeta Luthra, Sr.Adv.  
Ms. Priyanka Ashok, Adv.  
Mr. D.N. Goburdhan,Adv.

For Respondent(s) Mr. Yashvardhan Singh, Adv.  
Mr. Parthiv K. Goswami, Adv.  
Mr. Rajiv Mehta,Adv.

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

The appeal is allowed in terms of the signed order.

[Usha Bhardwaj]  
A.R-cum-P.S.

[Sneh Lata Sharma]  
Court Master

Signed order is placed on the file.

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5198 OF 2007

The Regional Director, E.S.I. Corporation & Ors. ....Appellants

VERSUS

The Secretary, E.S.I.C. Employees Union & Anr. ....Respondents

O R D E R

(1) Heard Ms. Geeta Luthra learned senior counsel appearing for the appellant and Mr. Yashvardhan Singh learned counsel for the respondent No.1 E.S.I. Corporation Employees Union.

(2) This appeal seeks to challenge the judgment and order dated 4th January, 2006 rendered by the Division Bench of the High Court of Gauhati in Writ Petition (C) No.5087 of 1999.

(3) The issue involved in this appeal is as to whether the Special Duty Allowance payable to the Central Government employees posted in the North Eastern India is available to the employees who are locally appointed in the North East. The High Court has taken the view that they would be so entitled, but Ms. Geeta Luthra points out that this view is clearly contrary to the judgment rendered by this Court in Union of India & Ors. vs. S. Vijaya Kumar & Ors. reported in 1994 Supple.(3) SCC 649. She, therefore, submits that the judgment requires to be interfered with.

(4) Having stated this Ms. Luthra very fairly states that the amount which had been paid to the local employees of the Employees ...2/-

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State Insurance Corporation is not going to be recovered. She also states that now this allowance is made payable also to the local employees.

(5) In view of the statement of Ms. Geeta Luthra, we allow this appeal and set aside the order rendered by the High Court. It is, however, made clear that the appellant will not recover the amounts if paid towards the Special Duty Allowance to the local employees.

(6) The appeal stands allowed accordingly.

.....J.  
( H.L.

GOKHALE )

.....J.  
NEW DELHI;

(KURIAN JOSEPH )  
FEBRUARY 19, 2014.