

ITEM NO.1

COURT NO.7

SECTION X

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

I.A.NO.7/2015 & I.A.NOS.1 & 2 IN I.A. NO.7
IN
CONMT.PET.(C) NO. 408/2011
IN
W.P.(C) NO. 427/1999

NATIONAL CONFED.OF OFFRS.ASSN.

PETITIONER(S)

VERSUS

ZOHRA CHATTERJI, SECY. MIN. OF TEX.N.D.

RESPONDENT(S)

(FOR DIRECTIONS AND IMPLEADMENT AS PARTY RESPONDENT AND OFFICE REPORT)

Date : 20/07/2016 These applications were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s)

Mr. Sanjiv Sen, Sr. Adv.
Mr. Dev J. Roy, Adv.
Mr. F. I. Choudhury, Adv.

For Respondent(s)

Mr. P.S. Patwalia, ASG
Mr. A.K. Panda, Sr. Adv.
Mrs. B. Sunita Rao, Adv.
Mr. Meenesh Kr. Dubey, Adv.
Mr. M.K. Maroria, Adv.

Mr. Pramod Swarup, Sr. Adv.
Ms. Alka Sinha, Adv.
Mr. Anuvrat Sharma, Adv.

Mr. Neeraj Kumar Sharma, Adv.

Mr. Sridhar Potaraju, Adv.
Mr. Gaichangpou Gangmei, Adv.
Mr. Arjun Singh, Adv.
Mr. A. Mukunda Rao, Adv.
Mrs. VNL Sindoorra, Adv.

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

I.As. are disposed of in terms of the signed order.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A.NO.7/2015 & I.A.NOS.1 & 2 IN I.A. NO.7
IN
CONMT.PET.(C) NO. 408/2011
IN
W.P.(C) NO. 427/1999

NATIONAL CONFEDERATION OF
OFFICERS ASSOCIATIONS OF CENTRAL
PUBLIC SECTOR UNDERTAKING . . .PETITIONER/
APPLICANT

VERSUS

ZOHRA CHATTERJI, SECRETARY,
MINISTRY OF TEXTILES,
NEW DELHI . . .RESPONDENT

ORDER

1. We have heard the learned counsels
for the parties.

2. Having perused the entire gamut of
facts before the Court as available from
the order of this Court dated 30th November,
2004 passed in Writ Petition (Civil) No.
427 of 1999 and the statements made in the

I.As. under consideration and the counter affidavit filed in the I.A. No.7 of 2015 on behalf of the Union of India, we are of the view that the entitlement of the employees of the applicant - Association in terms of the order dated 7th May, 1999 read with the order dated 27th September, 2002 passed by this Court in Special Leave Petition (Civil) No.16732 of 1997 would be, as an interim measure, to receive the benefits of the Fourth and Fifth Pay Commission with effect from 1st January, 1999 and 1st July, 1999. The further and final rights of the applicants to the benefit of the Fourth and Fifth Pay Commission with effect from 1st January, 1992 and 1st January, 1997 and to the benefit of the recommendations of the Sixth Pay Commission would be contingent on the terms of the revival Scheme which though approved by the BIFR in the year 2002/2008 does not appear to have

implemented till date. The matter is presently pending before the BIFR and is slated for further consideration on 12th September, 2016. The earlier orders passed by this Court in the contempt proceeding i.e. Contempt Petition (Civil) No.408 of 2011 including the directions for payment has necessarily to be understood in the context of the rights of the employees as aforesaid.

3. In the above circumstances, we hold that presently the concerned employees are entitled to the benefits of the Fourth and Fifth Pay Commission recommendations with effect from 1st January, 1999 and 1st July, 1999 respectively. Any amount unpaid shall be paid within a period of four weeks from today. We further direct that all additional amounts that may have been paid to the employees on account of our interim

order dated 26th April, 2016, as also the amounts which have not yet been disbursed or collected but due and payable in terms of the said order, shall not be affected by the present order and the concerned employees will be entitled to the said amounts which will be subject to further adjustment once the revival package is implemented under orders of the BIFR. We request the concerned Bench of the BIFR to expedite the matter and bring the same to its earliest conclusion so that the Scheme in question is implemented.

4. I.A. No.7 of 2015 and I.A. No.2 of 2016 in I.A. No. 7 of 2015 in Contempt Petition (Civil) No.408 of 2011 in Writ Petition (Civil) No.427 of 1999 shall stand disposed of in the above terms.

5. As I.A. No. 7 of 2015 in Contempt Petition (Civil) No.408 of 2011 in Writ Petition (Civil) No.427 of 1999 is disposed of by order passed above, no orders are called for in I.A. No.1 of 2016 in I.A. No.7 of 2015 in Contempt Petition (Civil) No.408 of 2011 in Writ Petition (Civil) No.427 of 1999 for impleadment of British India Corporation Ltd. and the same is accordingly disposed of.

6. Liberty is granted to make a mention of the matter before the Court in the event the proceedings before the BIFR is unduly delayed.

.....,J.
(RANJAN GOGOI)

.....,J.
(PRAFULLA C. PANT)

NEW DELHI
JULY 20, 2016