

ITEM NO.2

COURT NO.7

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSI.A. NO.7/2015 AND I.A.NO.1 IN I.A.NO.7
IN
CONTEMPT PETITION(C) NO. 408/2011
IN
WRIT PETITION(C) NO. 427/1999NATIONAL CONFEDERATION OF OFFICERS
ASSOCIATIONS OF CENTRAL PUBLIC
SECTOR UNDERTAKING & ORS.

Petitioner(s)

VERSUS

ZOHRA CHATTERJI,
SECRETARY, MINISTRY OF TEXTILES,
NEW DELHI

Respondent(s)

(for directions and impleadment and office report)

Date : 26/04/2016

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.
Ms. B. Sunita Rao, Adv.
Mr. Meenesh Kr. Dubey, Adv.
Mr. Anurag, Adv.
Mr. Neeraj Kumar Sharma, Adv.Mr. Pramod Swarup, Sr. Adv.
Mr. Ameet Singh, Adv.
Ms. Alka Sinha, Adv.

Signature Not Verified

Mr. Anuvrat Sharma, Adv.

Digitally signed by USHA

RANI BHARDWAJ

Date: 2016.04.28

16:17:51 IST

Reason:

Mr. Gurukrishna Kumar, Sr. Adv.
Mr. Sridhar Potaraju, Adv.
Mr. Gaichangpou Gangmei, Adv.
Mr. A.Mukunda Rao, Adv.
Mr. Arjun Singh, Adv.

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UPON hearing the counsel the Court made the following

O R D E R

Having regard to the long drawn out legal

tussle between the parties and the stage at which the matter is presently poised, we are inclined to take a broader view of the matter than the facts of the case may call for. This is because we are required to balance the entitlement to arrears of salary of a large number of employees of a manufacturing unit that is lying closed for several years and the disbursement of dues out of public funds as claimed by such employees.

On a careful consideration of the totality of the facts of the case, we are of the view that the Board of Industrial & Financial Reconstruction (for short, 'the BIFR') should be directed to finalize what is stated before us to be a revised package/scheme for the revival of unit in question which is pending before the BIFR. This will be done as expeditiously as possible, and once approved the same will be duly implemented. Once the aforesaid exercise is completed the rights of the parties will be crystallized and further orders will follow in I.A. No.7, which is kept pending.

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In view of the peculiar facts of the case and the protracted litigation that has ensued between the parties, we direct that as an interim measure the benefit of arrears under the 4th and 5th Pay Commission be paid to the concerned employees with effect from 01.01.1998 and 01.07.1998 respectively.

The dues in terms of the present order shall be paid from the funds which are stated to be available (in paragraph 23 of the affidavit of the respondent No.1 filed on 14th January, 2016 in I.A. No.7/2015 in Contempt Petition (C) No.408/2011).

List the matter on 12th July, 2016, by which

time the Court would expect the BIFR to pass necessary orders in the matter and the implementing/operating agency to implement the Scheme, if approved.

We would expect all concerned parties to cooperate in the implementation of the Scheme, once the same is approved by the BIFR.

(Neetu Khajuria)
Sr.P.A.

(Asha Soni)
Court Master