

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

IA 2 OF 2009 In CIVIL APPEAL NO. 5341 OF 2008

MANAGEMENT OF BHARAT EARTH MOVERS LTD.

Appellant (s)

VERSUS

J.BENJAMIN

Respondent(s)

(Appln. under Section 17(B) of the ID Act, 1947 and office report)

Date: 13/04/2009 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN

HON'BLE MR. JUSTICE R.M. LODHA

For Appellant(s) Mr. V Shekhar, Sr. Adv.

Mr. S Ganesh, Adv.

Mr. B Prashanth, Adv.

Mr. P Sreekumar, Adv.

Mr. V. Sivasubramanian, Adv.

For Respondent(s)

Mr. Naveen R. Nath, Adv.

Ms. Lalit Mohini Bhat, Adv.

Ms. hetu Arora, Adv.

UPON hearing counsel the Court made the following

ORDER

Keeping in view the fact that the respondent had superannuated on 30th March, 2003, i.e., even before the impugned judgment was rendered by the High Court, we are of the view that the present application, seeking a direction to the appellant to comply with the provisions of Section 17-B of the Industrial Disputes Act, 1947, is not maintainable. However, Mr. V Shekhar, learned senior counsel for the appellant very fairly states that the retiral benefits which are due to the respondent shall be paid to him within two weeks from today, subject of course to the rights and contentions of both the parties to the present appeal.

With the said observation, I.A. No. 2 is disposed of.

[Charanjeet Kaur]
Court Master[Vijay Dhawan]
Court Master