

ITEM NO.21

COURT NO.5

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 SCONTEMPT PETITION(C) NO. 411/2014 IN WRIT PETITION(C) NO. 246/2011

AVISHEK RAJA & ORS.

Petitioner(s)

VERSUS

SANJAY GUPTA

Respondent(s)

(With appln.(s) for exemption from filing O.T., impleadment,
seeking permission to bring additional facts and office report)

WITH

CONMT.PETN.(C) No. 33/2015 In W.P.(C) No. 246/2011

(With appln.(s) for permission to place addl. documents on record
and Office Report)(I.A. No.2- Appln. for direction)

CONMT.PETN.(C) No. 572/2014 In W.P.(C) No. 246/2011

(With appln.(s) for exemption from filing O.T., impleadment and
permission to file rejoinder affidavit)

CONMT.PETN.(C) No. 34/2015 In W.P.(C) No. 246/2011

(With Office Report)

CONMT.PETN.(C) No. 571/2014 In W.P.(C) No. 246/2011

(With appln.(s) for deletion of the name of petitioner)

CONMT.PETN.(C) No. 38/2015 In W.P.(C) No. 246/2011

(With appln.(s) for permission to place addl. documents on record,
permission to bring additional facts and Office Report)

CONMT.PETN.(C) No. 46/2015 In W.P.(C) No. 246/2011

(With appln.(s) for directions and Office Report)

CONMT.PETN.(C) No. 50/2015 In W.P.(C) No. 264/2012

(With appln.(s) for permission to file additional documents and
Office Report)

CONMT.PETN.(C) No. 158/2015 In W.P.(C) No. 510/2011

(With Office Report)

CONMT.PETN.(C) No. 174/2015 In W.P.(C) No. 510/2011

(With Office Report)

CONMT.PETN.(C) No. 101/2015 In W.P.(C) No. 246/2011

(With Office Report)

CONMT.PETN.(C) No. 103/2015 In W.P.(C) No. 246/2011
(With Office Report)

CONMT.PETN.(C) No. 104/2015 In W.P.(C) No. 246/2011
(With Office Report)

CONMT.PETN.(C) No. 105/2015 In W.P.(C) No. 246/2011
(With Office Report)

CONMT.PETN.(C) No. 106/2015 In W.P.(C) No. 246/2011
(With Office Report)

CONMT.PETN.(C) No. 107/2015 In W.P.(C) No. 246/2011
(With Office Report)

CONMT.PETN.(C) No. 108/2015 In W.P.(C) No. 246/2011
(With Office Report)

CONMT.PETN.(C) No. 109/2015 In W.P.(C) No. 246/2011
(With appln.(s) for permission to place addl. documents on record,
exemption from filing O.T. and Office Report)

CONMT.PETN.(C) No. 110/2015 In W.P.(C) No. 246/2011
(With Office Report)

CONMT.PETN.(C) No. 111/2015 In W.P.(C) No. 246/2011
(With Office Report)

CONMT.PETN.(C) No. 112/2015 In W.P.(C) No. 246/2011
(With appln.(s) for permission to bring additional facts and
documents on record and Office Report)

CONMT.PETN.(C) No. 113/2015 In W.P.(C) No. 246/2011
(With Office Report)

CONMT.PETN.(C) No. 120/2015 In W.P.(C) No. 246/2011
(With appln.(s) for directions, permission to place addl. documents
on record and Office Report) (I.A. No.2- Appln. for direction)

CONMT.PETN.(C) No. 121/2015 In W.P.(C) No. 246/2011
(With appln.(s) for permission to bring additional facts and
documents on record and Office Report)

CONMT.PETN.(C) No. 127/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) No. 128/2015 In W.P.(C) No. 246/2011
(With appln.(s) for impleadment)

CONMT.PETN.(C) No. 129/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) No. 131/2015 In W.P.(C) No. 246/2011

(With appln.(s) for permission to place addl. documents on record and impleadment)

CONMT.PETN.(C) No. 132/2015 In W.P.(C) No. 246/2011

(With appln.(s) for permission to place addl. documents on record and impleadment)

CONMT.PETN.(C) No. 133/2015 In W.P.(C) No. 246/2011

(With appln.(s) for permission to place addl. documents on record)

CONMT.PETN.(C) No. 134/2015 In W.P.(C) No. 246/2011

(With appln.(s) for permission to place addl. documents on record)

CONMT.PETN.(C) No. 149/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) No. 150/2015 In W.P.(C) No. 246/2011

(With appln.(s) for directions and for intervention)

CONMT.PETN.(C) No. 151/2015 In W.P.(C) No. 246/2011

(With appln.(s) for permission to place addl. documents on record)

CONMT.PETN.(C) No. 152/2015 In W.P.(C) No. 246/2011

(With appln.(s) for permission to place addl. documents on record)

CONMT.PETN.(C) No. 153/2015 In W.P.(C) No. 246/2011

(With appln.(s) for permission to place addl. documents on record)

CONMT.PETN.(C) No. 154/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) No. 155/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) No. 102/2015 In W.P.(C) No. 246/2011

(With Office Report)

CONMT.PETN.(C) No. 157/2015 In W.P.(C) No. 510/2011

(With Office Report)

CONMT.PETN.(C) No. 283/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) No. 284/2015 In W.P.(C) No. 246/2011

(With appln.(s) for permission to place addl. documents on record)

CONMT.PETN.(C) No. 285/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) No. 286/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) No. 290/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) No. 287/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) No. 288/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) No. 291/2015 In W.P.(C) No. 246/2011
(With appln.(s) for appeal against Registrar's order)

CONMT.PETN.(C) No. 450/2014 In W.P.(C) No. 264/2012
(With appln.(s) for permission to submit additional document(s) and Office Report)

CONMT.PETN.(C) No. 385/2014 In W.P.(C) No. 264/2012
(With appln.(s) for permission to file additional documents, place the relevant documents and Office Report)

CONMT.PETN.(C) D 25425/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) D 25424/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) D 25423/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) D 25427/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) D 25426/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) D 25583/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) D 21713/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) D 25577/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) D 12967/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) D 25581/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) D 23904/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) D 25578/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) D 25579/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) No. 570/2014 In W.P.(C) No. 246/2011
(With appln.(s) for impleadment, discharge of advocate on record, intervention and Office Report)

CONMT.PETN.(C) D 25431/2015 In W.P.(C) No. 246/2011

CONMT.PETN.(C) D 25432/2015 In W.P.(C) No. 246/2011

CONMT.PETN. (C) D 26077/2015 In W.P. (C) No. 246/2011

CONMT.PETN. (C) D 26256/2015 In W.P. (C) No. 246/2011

CONMT.PETN. (C) D 26078/2015 In W.P. (C) No. 246/2011

CONMT.PETN. (C) D 25430/2015 In W.P. (C) No. 246/2011

CONMT.PETN. (C) D 8429/2016 In W.P. (C) No. 246/2011

CONMT.PETN. (C) D 20025/2016 In W.P. (C) No. 246/2011

CONMT.PETN. (C) D 23037/2016 In W.P. (C) No. 246/2011

CONMT.PETN. (C) D 18567/2016 In W.P. (C) No. 246/2011

Date : 23/08/2016 These petitions were called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE PRAFULLA C. PANT

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Mr. Pragya Baghel, Adv.

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Mr. Guntur Prabhakar, Adv.
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M/s Corporate Law Group, Adv.
Mr. Rajat Joseph, Adv.
Mr. Ajay Choudhary, Adv.

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

All such Interlocutory Applications which have been filed for withdrawal of contempt petitions are allowed provided such withdrawal have been sought by all the petitioners who have filed the contempt petitions.

Re: State of Uttar Pradesh

All contempt petitions in respect of establishments in Uttar Pradesh which have been reported by the Labour Commissioner, U.P. to have implemented the recommendations of Majithia Wage Board are also closed.

Office to verify and act accordingly.

Insofar as other establishments where the recommendations of Majithia Wage Board have been partially implemented in Uttar Pradesh or are yet to be implemented, we deem it proper to lay down the following parameters for resolution of the question.

In one of our previous orders, we have indicated that the large number of contempt

petitions, I.As and other miscellaneous petitions that have come before the Court has made it virtually impossible to consider each case individually. We had, therefore, thought it proper to authorize the Labour Commissioners of each State who is also the Statutory Authority under the Working Journalists & other Newspaper Employees (Conditions of service) and Miscellaneous Provisions Act, 1955 to do certain acts on behalf of the Court and directed Labour Commissioners of five States, namely, Uttar Pradesh, Himachal Pradesh, Nagaland, Manipur and Uttarakhand to be present so as to enable the Court to pass full and effective orders in the matters under consideration. We elaborate the aforesaid directions in the following manner :-

- (a) In respect of such of the establishments which have been reported by the Labour Commissioner in his affidavit/report not to have implemented the recommendations of Majithia Wage Board the detailed facts which had led the Labour Commissioner to arrive at the said conclusion be laid

before the Court after giving the affected party an opportunity of hearing.

(b) The management of each of the establishments will be bound under the present order to furnish to the Labour Commissioner all such records, reports, documents and information that the Labour Commissioner deems it necessary to consider before passing appropriate orders in terms of direction (a).

(c) The Labour Commissioner may, if he considers it necessary, in an appropriate case, himself visit the premises of an establishment to satisfy himself as to the implementation of the recommendations of the Majithia Wage Board.

(d) It will be open for each affected employee to lay before the State Government/Labour Commissioner, the details of the amount that he/she claims to be due under the recommendations of the Majithia Wage Board over and above the emoluments drawn by him. If such a resort is made to the State

Government/Labour Commissioner the concerned authority would be fully empowered to carry out necessary adjudication and pass consequential orders in terms of Section 17 of the Act.

We direct the Labour Commissioner, Uttar Pradesh, who is present in Court today, to promptly initiate and complete the aforesaid exercise in terms of the present directions on priority basis and report back to this Court with his conclusions and findings within a period of six weeks. The matter will be considered again on 4th October, 2016.

Re: State of Himachal Pradesh

We have perused the report/affidavit submitted by Shri Amit Kashyap, Labour Commissioner, Himachal Pradesh. Not only the same is sketchy, disclosing no material whatsoever to indicate the implementation of this Court's order accepting the recommendations of the Majithia Wage Board, we do not even find a mention of basic facts in the said affidavit. The affidavit/report has

been filed very casually and the Labour Commissioner has performed the task assigned to him in an unacceptable manner.

The direction issued today in respect of State of Uttar Pradesh shall now be effectively complied with by the Labour Commissioner of Himachal Pradesh also. He will submit a report within four weeks from today and also remain personally present in Court on 4th October, 2016 when the matter will be taken up.

Re: State of Nagaland

Shri L. Nungshiyanger Aier, Labour Commissioner, is personally present. The additional affidavit dated 26th May, 2016 and a compilation indicating the emoluments due as per the recommendations of Majithia Wage Board and the emoluments drawn as on date have been duly considered.

Shri Colin Gonsalves, learned senior counsel would like some time to go through the same and report back to the Court as to whether the recommendations of the Majithia Wage Board stands fully complied with in the State of Nagaland.

The matter will be now considered on 4th October, 2016.

The Labour Commissioner of Nagaland need not be personally present on the said date.

Re: State of Manipur

Shri Suhel Akhtar, Labour Commissioner of Manipur is personally present and has been heard.

The directions given by this Court in respect of State of Uttar Pradesh shall also be implemented by the Labour Commissioner, Manipur and report of the action taken will be filed before this Court within four weeks.

The Labour Commissioner, Manipur shall remain personally present in Court on 4th October, 2016.

Re: State of Uttarakhand

The order of this Court dated 19th July, 2016 has not been responded to by the State of Uttarakhand. Neither any counsel is present to represent the State nor the Labour Commissioner of the State is personally present in spite of this Court's specific order to the said effect. Notices

communicating the aforesaid order dated 19th July, 2016 have been served on the concerned Authority of the State of Uttarakhand as evident from the Office Report.

The matter be brought to the notice of the Chief Secretary of the State of Uttarakhand. The Chief Secretary shall be furnished with a copy of this order as well as the copy of the order issued in respect of the State of Uttar Pradesh to ensure due compliance in the light of the directions of this Court in respect of State of Uttarakhand.

Bailable warrant of arrest be issued to ensure the presence of the Labour Commissioner of the State of Uttarakhand before this Court on 4th October, 2016 at 2.00 p.m..

The implementation of the Majithia Wage Board recommendations in respect of States of Madhya Pradesh, Chhattisgarh, Delhi, Maharashtra and Jharkhand will be considered on the next date fixed i.e. on 4th October, 2016 at 2.00 p.m. The Labour Commissioners of the aforesaid States will be personally present in the Court on the said date fixed.

We have heard Shri Colin Gonsalves, learned Senior Counsel appearing for the Journalist and Non-Journalists/workmen of the establishment(s) on the issue as to whether the Majithia Wage Board Report would cover employees (Journalists and Non-Journalists) on contractual appointment. We have also heard the learned Senior Counsel on the purport and effect of clause 20(j) of the Majithia Wage Board Recommendations. On the next date fixed, the Court would hear the submissions of the Managements on the aforesaid issues and thereafter pass orders as may be considered appropriate.

(Neetu Khajuria)
Court Master

(Asha Soni)
Court Master