

N.C.O.A. Cent. Public Sector Under. vs U.O.I. on 30 January, 2020

Bench: R. Banumathi, A.S. Bopanna

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

MISCELLANEOUS APPLICATION NO. 2146 OF 2018
IN
WRIT PETITION (CIVIL) NO. 427 OF 1999

N.C.O.A. CENT. PUBLIC SECTOR UNDERTAKING
& ORS.

...PETITIONER(S)

VERSUS

U.O.I. & ORS.

...RESPONDENT(S)

WITH

MISCELLANEOUS APPLICATION NO. 2204 OF 2018
IN
CONTEMPT PETITION (CIVIL) NO. 408 OF 2011
IN
WRIT PETITION (CIVIL) NO. 427 OF 1999

O R D E R

1. The petitioner(s) is the National Confederation of Officers Association of Central Public Sector Undertakings – members of which are the non-unionized employees of Respondent No. 3- British India Corporation Limited.

2. Insofar as the main writ petition is concerned, the same was disposed of by this Court vide judgment dated 30.11.2004. In the said writ petition, this Court observed that the revival proposal has been approved by BIFR and, therefore, the petitioners in the writ petition would also be entitled to the same benefits who are the employees of NTC. The petitioner/applicant(s) in these applications who are the employees of non-unionized employees seek 17:02:30 IST Reason:

the same benefit.

3. We have heard Mr. Purushaindra Kaurav, learned senior counsel appearing on behalf of the petitioner/applicant(s) and Ms. Pinky Anand, learned Additional Solicitor General appearing on

behalf of the Union of India as well as Mr. Tabrez Malawat, learned counsel appearing for the members of unionized Association.

4. Learned senior counsel appearing on behalf of the petitioners' Association submitted that the petitioner/applicants have not been paid salary from October 2017 and without the amount being paid, the members of the petitioners' association are suffering (members stated to be 81). In this regard, learned senior counsel has given a chart calculating outstanding amount as per 6 th Pay Commission Benefit as Rs.23.89 crores. According to Ms. Pinky Anand, learned Additional Solicitor General, arrears of salary amount payable is only Rs.10.46 crores.

5. Learned counsel appearing for the members of unionized association has raised objection for granting the interim relief.

6. Since the closure and the consequential scheme are under consideration, directing the Union of India to make the entire payment to the members of the petitioners' association would be an impediment in the procedure for closure of the British India Corporation Limited. However, considering the submissions of the learned senior counsel appearing for the petitioner/applicant(s) without prejudice to their contentions, we deem it appropriate to direct interim relief for lumpsum amount of Rs.3,00,00,000/- (Rupees three crores) proportionately payable to the members of the petitioners' association who are presently in service. The Union of India shall disburse the amount within a period of six weeks from today through the competent authority of British Corporation of India Limited to the members of the Petitioners' association.

7. We are not expressing any opinion on the merits of the contentions of the parties.

8. The above interim order is passed without contentions of both the parties.

9. Misc. applications are, accordingly, disposed of. Liberty reserved to the petitioners to approach this Court in the event of any further need.

.....J.
[R. BANUMATHI]

NEW DELHI
30TH JANUARY, 2020

.....J.
[A.S. BOPANNA]

ITEM NO.2

COURT NO.5

SECTION X

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Miscellaneous Application No(s). 2146 of 2018 in W.P.

N.C.O.A. CENT. PUBLIC SECTOR UNDER. & ORS.

Petitioner(s)

VERSUS

U.O.I. & ORS.

Respondent(s)

(FOR INTERVENTION/IMPLEADMENT and CLARIFICATION/DIRECTION) [FOR CONSIDERATION] WITH MA 2204/2018 in CONMT.PET.(C) No. 408/2011 In W.P.(C) No. 427/1999 (X) (FOR FOR CLARIFICATION/DIRECTION AND FOR INTERVENTION/IMPLEADMENT) Date : 30-01-2020 These matters were called on for hearing today. CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI HON'BLE MR. JUSTICE A.S. BOPANNA
For Petitioner(s) Mr. Purushaindra Kaurav,Sr.Adv.

Mr. Arjun Garg, AOR Ms. Anuradha Mishra,Adv.

Mr. Satish Kumar, AOR For Respondent(s) Ms. Pinky Anand,ASG Ms. Sunita Sharma,Adv.

Ms. Alka Agrawal,Adv.

Mr. Kanu Agarwal,Adv.

Ms. Soudamini Sharma,Adv Ms. Swati Ghildiyal,Adv. Mrs. B. Sunita Rao, AOR Mr. Raj Bahadur Yadav, AOR Mr. Tabrez Malawat,Adv. Mr. Abhijeet Swaroop,Adv. Mr. Gibran Naushad,Adv. Ms. Richa Srivastava, AOR UPON hearing the counsel the Court made the following O R D E R Misc. applications are, accordingly, disposed of. Liberty reserved to the petitioners to approach this Court in the event of any further need.

Resultantly, application for impleadment/intervention are disposed of.

(MADHU BALA)
COURT MASTER (SH)
(Signed order is placed on the file)

(BEENA JOLLY)
BRANCH OFFICER