

Prantiya Rajya Parivahan Karamchari ... vs Shain Bala Anjana Martin on 24 January, 2020

Bench: Rohinton Fali Nariman, S. Ravindra Bhat

IN THE SUPREME COURT OF INDIA

INHERENT JURISDICTION

CONTEMPT PETITION (CIVIL) NO. 1008 OF 2018

IN

CIVIL APPEAL NO. 321 OF 2013

PRANTIYA RAJYA PARIVAHAN
KARAMCHARI SANGH (CONGRESS)

Petitioner(s)

VERSUS

SHAIN BALA MARTIN & ANR.

Respondent(s)

O R D E R

We have heard learned counsel for the parties. The recent Status Report of 27.09.2019 makes it clear that 19,429 persons have been paid a sum of Rs.159.80 crores in total. 21 out of 28 employees, who remain unpaid have since been paid. So far as three such persons are concerned, no application has been made yet, and as far as the other three, there is no record of their having ever worked. The seventh person has not yet vacated the accommodation given to him by the Corporation.

The major dispute between the parties is as to whether the Circular dated 24.04.1998 would apply to the persons in question. Paragraph 7 of the aforesaid Circular states as follows:

Reason: "7. The employees who have opted to remain in the existing payscale under Madhya Pradesh pay revision Rules 1998 shall also be eligible for the CONTEMPT PETITION (CIVIL) NO. 1008 OF 2018 aforementioned dearness allowance. The pay means for the calculation of the aforesaid dearness allowance to these employees the Basic Pay personal pay (if any) in the existing scale, dearness allowance payable at average price index number 1510 (As sanctioned vide Finance Department memo.No. F.R. 17-03/IV/B-9 dated 23.04.1996) and first and second instalments of Interim Relief (which has been sanctioned vide Finance Department memo number F.B.8/1/93/N-2/IV dated 20.10.1993 and R.17/3/95/IV/B-9 dated 11.08.1995) shall be included." This would make it clear that those Madhya Pradesh State Government employees who have opted to remain in the existing pay scale under the pay revision

Rules of 1998, shall also be eligible for the aforementioned Dearness Allowance. In fact, this is reflected by us in our order of 01.12.2016 without specifically referring to the said Circular.

We are of the view that the Circular should be applied to all the employees in question and the differential payment, as a result, be made within a period of eight weeks from today.

Ms. Kawaljit Kochar, learned counsel appearing for the petitioner, informs us that the provident fund of the employees of Indore Division and Jabalpur Division cannot further be processed without ACRs being handed over to them by the Corporation. The Corporation will hand over the aforesaid ACRs within eight weeks from today.

The Chief Secretary, State Government, be given a copy of this order immediately so that the State Government can CONTEMPT PETITION (CIVIL) NO. 1008 OF 2018 facilitate the payment by the Corporation to the contempt petitioners.

The contempt petition stands closed.

....., J.

[ROHINTON FALI NARIMAN], J.

[S. RAVINDRA BHAT] New Delhi;

January 24, 2020.

CONTEMPT PETITION (CIVIL) NO. 1008 OF 2018 ITEM NO.43 COURT NO.4 SECTION IV-A S U P R E M E C O U R T O F I N D I A RECORD OF PROCEEDINGS CONMT.PET.(C) No. 1008/2018 in C.A. No. 321/2013 PRANTIYA RAJYA PARIVAHAN KARAMCHARI SANGH (CONGRESS)Petitioner(s) VERSUS SHAIN BALA MARTIN & ANR. Respondent(s) Date : 24-01-2020 This petition was called on for hearing today. CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN HON'BLE MR. JUSTICE S. RAVINDRA BHAT For Petitioner(s) Ms. Kawaljit Kocher, Adv.

Mr. Shreyas Mehrotra, Adv.

Mr. Kusum Chaudhary, AOR For Respondent(s) Mr. Ashish Wad, Adv.

Ms. Jayashree Wad, Adv.

Mr. Sidharth Mahajan, Adv.

Ms. Sukriti Jaggi, Adv.

Mr. Ajeyo Sharma, Adv.

M/s. J S Wad and Co, AOR UPON hearing the counsel the Court made the following O R D E R The contempt petition stands closed in terms of the signed order.

(NIDHI AHUJA)
COURT MASTER (SH)

(NISHA TRIPATHI)
BRANCH OFFICER

[Signed order is placed on the file.]