

Employees of Engineers India Ltd. and Others

Vs

Engineers India Ltd. and Others

Employees of Mining and Allied Machinery Corporation Ltd. and Others

Vs

Mining and Allied Machinery Corporation Ltd. and Others

N.T.C. Employees Union

Vs

Union of India and Another

Jute Corporation of India

Vs

Jute Corporation of India Staff Association and Others

Civil Miscellaneous Petitions Nos. 35642, 34350, 38857-8, etc. of 1985 and 1514 and 5156 of 1986, Writ Petitions Nos. 12386-88, 12410-11, etc. of 1985 and 252 of 1986 and S.L.P. (Civil) Nos. 1081-2 of 1986

(A. P. Sen, E. S. Venkataramiah, B. C. Ray JJ)

19.02.1986

ORDER

1. A.P. SEN, J. - This order will govern the partial disposal of the applications for grant of interim relief to employees of the public sector undertakings who are before us and are governed by the Central pattern of basic pay and dearness allowance.
2. After hearing learned counsel for the parties at considerable length, we find that there is no justification for refusing the prayer for grant of interim relief as respects employees of these public sector undertaking drawing a basic pay of Rs 1000 or less. This would be in consonance with and subject to the same conditions as in the order passed by the Chief Justice of India and Mr Justice Pathak dated September 5, 1985. That order is in the following terms :

So far as the Food Corporation of India is concerned, two instalments of the interim relief which have been declared by the Government of India shall be payable by the petitioners to their employees irrespective whether they are in Class I, Class II, Class III or Class IV on the same basis and scale as the other Government of India employees, w.e.f. April 1, 1985, on an undertaking given by each of the employees that in case they fail in the claim made by them they will refund the excess amount

drawn by them to the Food Corporation of India and the Food Corporation of India will be entitled to adjust the excess against the future salary and other emoluments including retiral benefits payable to them. This order will be without prejudice to the interim relief which is already being paid by the Food Corporation of India to its employees. The arrears, if any, of the two instalments of interim relief shall be paid within one month from today.

3. We accordingly direct that all employees of the aforesaid public sector undertakings drawing a basic pay of Rs 1000 or less will be entitled to interim relief on the same basis and scale as the other Government of India employees w.e.f. January 1, 1986 on an undertaking given by each of the employees that in case they fail in the claim made by them, they will refund the excess amount drawn by them to their employers. The arrears of interim relief w.e.f. January 1, 1986 shall be paid to these employees within one month from today.

4. This order will govern all employees of the public sector undertakings of the Government of India throughout the country following the Central pattern of pay scales and dearness allowance and drawing a basic pay of Rs 1000 or less.

5. As regards the prayer for the grant of such interim relief to the employees of these undertakings drawing a basic salary above Rs 1000, the hearing of these applications is adjourned to March 4, 1986. We wish to mention that during the course of hearing a statement was made by learned counsel appearing for the Union of India that there had been a revision of pay scales of such employees of some of the public sector undertakings as late as in 1982 and onwards. This statement of his was refuted by learned counsel appearing for the petitioners. In the circumstances, we direct the Central Government and the Bureau of Public Enterprises to place the necessary material in support of the assertion that there had been such revision of pay scales.

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