

D. P. Maheshwari

Vs

M/s. Toshniwal Brothers (P) Ltd. and Others

Civil Miscellaneous Petition No. 30557 of 1986 in Civil Appeal No. 1319 of 1986

(O. Chinnappa Reddy, E. S. Venkataramiah JJ)

28.11.1986

ORDER

It appears that an amount of Rs. 59,702 has been deducted towards income-tax from the back wages directed to be paid to the workman and paid to Income Tax Department. The employer is directed to pay the sum of Rs. 59,702 to the employee. He may, however, deduct the employees contribution towards provident fund and pay the balance within four weeks from today. With regard to the amount paid to the Income Tax Department the employer may seek adjustment from the department against future tax payable by the employer. We are told that if the employee's income is spread over as contemplated by Section 89 of Income Tax Act no tax will be payable by the employee. That is the reason for making this order in the present terms. In regard to payment of bonus Mr. Sibal, learned counsel for employer states that employer is willing to pay the bonus. The employer may pay the bonus within four weeks from today. The employers contribution towards provident fund may also be deposited. The civil miscellaneous petition is disposed of accordingly.

Court Master.

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