

U. P. Financial Corpn. Employees' Asson.

Vs

U. P. Financial Corpn. and Others

SLP (C) No. 7873 of 1997

(Sujata V. Manohar, D. P. Wadhwa JJ)

20.02.1998

ORDER

1. Heard all parties.

2. In our view, the High Court has correctly interpreted the provisions of Section 48(1) of the State Financial Corporations Act, 1951. Sub-section (2) has to be read in the light of sub-section (1) of Section 48 and sub-section (2) does not enable the Corporation to make regulations except in the manner prescribed in sub-section (1). The High Court has also referred to Regulations 7 and 63 of the U.P. Financial Corporation (Staff) Regulations and in our view correctly interpreted the law.

3. Learned counsel for the petitioners laid emphasis on Regulation 63 which provides as follows :

"63. Pay and allowance. - The scale of pay attached to the various posts under the Corporation shall be those laid down in the Appendix to these Regulations and the same shall not be varied without first amending the relevant Regulations."

4. This Regulation has been subsequently amended by deleting the words "... and the same shall not be varied without first amending the relevant Regulation." This deletion, however, does not make any material difference because once the scales of pay are laid down specifically in the Regulations by an Appendix, when the pay scales change, alterations will have to be made in the Appendix. We have not been shown any provision in the Act or in the Regulations which indicates that the Appendix can be altered in any other manner except as laid down. We have also seen the counter-affidavit which has been filed by the State of U.P., Respondent 4 dated 8-1-1998.

5. The special leave petition is dismissed.

Court Masters##