

**SUPREME COURT OF INDIA**

Rajaram Maize Products

Vs.

Brij Lal

(S Majmudar and M J Rao JJ.)

23.07.1998

**ORDER**

**S.B. MAJMUDAR, J.**

1. The question involved in this appeal by special leave pertains to the correct interpretation of the words "last wages drawn" as found in Section 17B of the Industrial Disputes Act, 1947 read with Section 65(3) of the Madhya Pradesh Industrial Relations Act, 1960, which also contains similar phraseology. The High Court in the impugned judgment has taken the view that the last-drawn wages will include not only the wages drawn by the employee at the time of the impugned termination or dismissal but will include yearly increment and dearness allowance admissible from time to time, if ultimately the lower authority grants reinstatement and that order comes to be challenged before the higher authority. The said benefit can no longer survive in view of the authoritative pronouncement of this Court in the case of Dena Bank v. Kiritikumar T. Patel 1998-I-LLJ-1 (SC). Following the said decision, therefore, this appeal is allowed in terms of the said decision. However, we make it clear that as Respondent 1-workman has already been given the benefit of the impugned judgment and as IA No. 1 of 1996 for stay of the High Court's decision pending this appeal was rejected by this Court by order dated May 7, 1996, we direct that despite the allowing of this appeal, no recovery of the amount paid to Respondent 1-Workman pending this appeal should be effected by the appellant. No costs.