

**SUPREME COURT OF INDIA**

P.W.D. Karamchari Sangh

Vs.

State of Rajasthan

C.A.No.5545 of 2003

(B.P.Singh and S.H.Kapadia JJ.)

06.09.2005

**ORDER**

1. This appeal by special leave is directed against the judgment and order of the High Court of Judicature for Rajasthan at Jodhpur in D.B.Civil Spl. Appeal No.906 of 1999 dated 13th August, 2002. The High Court by a very brief order observed that since notice issued by Labour Court was not accepted by the Department for the reason that copy of the claim petition was not annexed thereto, the award must be set aside. Accordingly, the High Court remanded the matter to the Labour Court for fresh decision in accordance with law.

2. We have heard counsel for the parties at length and perused the record placed before us. We find that there is much to be said in favour of the appellant-P.W.D.Karamchari Sangh. However, in view of the order passed by the High Court, we do not wish to interfere, but justice demands that since the matter has been delayed primarily on account of the unfair stand taken by the respondent, while we uphold the order we direct that the respondents shall pay to the workmen concerned 25% of the wages to which they would be entitled in accordance with the award of the Labour Court dated 4th December, 1996 from the date of award till payment.

3. We are informed that two out of the 30 workmen concerned have died. The legal representatives of the aforesaid deceased workmen shall be also paid the arrears as directed by this Court. This appeal is disposed of accordingly. The payment of arrears shall be made within three months from today, failing which it shall carry interest at the rate of 9% per annum. No orders as to costs.