

SUPREME COURT OF INDIA

M.P. Poorva Kshetra Vidyut Vitaran Co.Ltd.

Vs.

Uma Shankar Dwivedi

C.A.No.9146-9148/2018

(Kurian Joseph and Sanjay Kishan Kaul, JJ.,)

05.09.2018

JUDGMENT

Kurian Joseph, J.,

SLP(C) No.5285-5287/2016

1. Leave granted.
2. The moot question is whether the appellants are bound to implement the recommendations of the Fifth Pay Commission in respect of the respondent/employees. According to the learned senior counsel appearing for the appellants, the respondent belongs to Rewa Society, where the recommendations of Fifth Pay Commission had not been implemented and Appellant No.1 extended the benefit to the employees coming from those societies, where the benefit of Fifth Pay Commission had been implemented. There cannot be any dispute that the employees who have been absorbed shall be governed by the terms of absorption.
3. Learned senior counsel appearing for the appellants invited our attention to the Notification dated 27.04.2006, wherein it has been specifically mentioned that the pay revision of 2001 of the appellant No.1 will not be applicable to employees of Rural Electrification Cooperative Societies absorbed in the service of Appellant No.1, to whom the pre-revised pay scales were not applicable. However, the learned counsel appearing for the respondent submitted that despite such exclusion, the benefit has been extended to the employees of the societies where the pre-revised pay scales were not applicable.
4. We make it clear that in case Appellant No.1 has extended the benefit of the pay revision Regulations of 2001, despite the exclusion in the Notification dated 27.04.2006, to those employees where the pre-revised pay scales had not been applied, the respondent/employees belonging to the Rewa Society will not be discriminated.
5. As far as implementation of recommendations of Sixth and Seventh Pay Commissions are concerned, there cannot be any dispute. The benefits will be extended to the employees of

the REC Societies with effect from the date the benefits of the Sixth and Seventh Pay Commissions have been given to the employees of Appellant No.1. If there is any arrears to be paid in this regard, the same shall be paid within three months from today.

6. The impugned orders will stand clarified to the above extent and the appeals are disposed of.
7. Pending applications, if any, shall stand disposed of.
8. There shall be no orders as to costs.