

(1992) 11 SC CK 0015
In the Supreme Court Of India
Case No : Civil Appeal No. 5139 Of 1992

Batliboi Employees" Union

APPELLANT

Vs

Batliboi and Co. and Another

RESPONDENT

Date of Decision : 25-11-1992

Acts Referred:

Maharashtra Workmens Minimum House Rent Allowance Act, 1983 — Section 13(1)

Citation : (1994) 2 LLJ 1175 : (1993) 3 SCC 523 Supp

Hon'ble Judges : M. M. Punchhi, J;A. M. Ahmadii, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

A.M. Ahmadi, J.—Special leave granted,

2. Heard Counsel on both sides. After the impugned order came to be passed, there is a development, in that, the State Government in the Ministry of Industries, Energy and Labour Department has issued a notification dated October 9, 1992, in exercise of power conferred by Section 13(1) of the Maharashtra Workmen's Minimum House Rent Allowance Act, 1983, to the effect that from January 1, 1991, the provisions of the said Act shall not apply to factories and establishments in relation to their workmen drawing wages as on that date or thereafter at the rates exceeding the limits mentioned in column (4) with reference to the Zones and Areas mentioned in columns (2) and (3), respectively, of the Schedule, subject to the condition that where the wages of the workmen exceed the limits of wages in the respective zones, the house rent allowance payable to such workmen shall be calculated as if their wages were as per the limit in column (4) of the Schedule. It is not in dispute that the present case is governed by Category I of the Schedule, the limit of wage in column (4) thereof being Rs. 3,500 per month. It is, therefore, obvious from the language of the notification that the employees drawing wage of Rs. 3,500 and below will be entitled to house rent; allowance at the prescribed percentage related to the actual wage drawn. But in the case of workmen drawing a wage in excess of Rs.

3,500 house rent allowance will be limited to and calculated on the basis of the outer limit of Rs. 3,500 per month. In view of this development, counsel for both the sides agree that the dispute does not now survive and the petition filed by the respondents in the High Court under Articles 226/227 of the Constitution will not survive. Mr. P.P. Rao, learned Counsel, agrees to withdraw that petition.

3. So far as the proceeding initiated by the appellant in the Industrial Court is concerned, the order passed by the Industrial Court will stand modified in accordance with the Notification issued by the State of Maharashtra dated October 9, 1992 and payment of house rent allowance will be made on the basis thereof to the workmen. If the house rent allowance paid to the workmen is not in accord with this notification the same will be brought in line with this notification within three months from today. Where the payment of house rent allowance is in excess of what the workmen would be entitled to under this notification, the same will be adjusted in the future payment to be made to the workmen by an equitable distribution of the excess payment so that the workmen may not be required to pay a lumpsum by way of refund. With this modification, the entire proceedings should end after compliance is reported. Mr. Shetye, counsel for the appellant, also states that after an order in pursuance of the Notification has been worked out, the complaint will not survive and the Industrial Court will be at liberty to dispose it of in terms of this order. The appeal will stand disposed of accordingly with no order as to costs.