
(2000) 03 SC CK 0009

In the Supreme Court Of India

Case No : Civil Appeal No's. 853 and 854 of 1999

National Textile Corporation

APPELLANT

Vs

Mumbai Textile Technicians and Officers Assocn. and Others

RESPONDENT

Date of Decision : 02-03-2000

Acts Referred:

Industrial Disputes Act, 1947 — Section 33C(2)

Citation : (2000) 86 FLR 675 : (2000) 7 JT 427 : (2000) 2 LLJ 536 : (2000) 10 SCC 550 : (2001) SCC(L&S) 658

Hon'ble Judges : S. Saghir Ahmad, J; Doraiswamy Rajuu Raju, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

Civil Appeal No. 853 of 1999

1. In view of the decision of this Court in N.T.C. (South Maharashtra) Limited Vs. Rashtriya Mill Mazdoor Sangh and Others, which is a three Judge Bench decision, this appeal is dismissed.

Civil Appeal No. 854 of 1999

2. The question whether the Respondents in this appeal are to be provided employment by the Appellants before us been set at rest by a decision of three Judge Bench of this Court in N.T.C. (South Maharashtra) Limited Vs. Rashtriya Mill Mazdoor Sangh and Others, . But so far as the other question namely, relating to their back wages is concerned, it has been brought to our notice through Exh. 'H' to Writ Petition filed in the Bombay High Court, that even after take over of the Textile Mill under the Undertakings (Taking Over of Management) Act, 1983, the Respondents have received monetary benefit from other group of Tata Companies for the period indicated therein. It is on this basis that it is contended that the Respondents are not entitled to back wages for the whole of the period. This question cannot be investigated in these proceedings. We direct that the question of back wages shall be determined by the

Appropriate Authority under the Industrial Disputes Act if an application u/s 33-C(2) of the Act is filed by the Respondents. The claim of the Respondents for back wages will be investigated only for the period for which the Respondents had not received monetary benefit from any other source and had not worked elsewhere. But in any case the Respondents shall be put back to duty and they will be paid their dues regularly every month. The appeal is disposed of finally in the manner indicated.