

(1998) 07 SC CK 0019

In the Supreme Court Of India

Case No : Civil Appeal No. 7855 Of 1996

Rajaram Maize Products

APPELLANT

Vs

Brij Lal and Another

RESPONDENT

Date of Decision : 23-07-1998

Acts Referred:

Industrial Disputes Act, 1947 — Section 17B

Madhya Pradesh Industrial Relations Act, 1960 — Section 65(3)

Citation : (1999) 2 LLJ 799 : (1999) 9 SCC 64 : (1999) SCC(L&S) 641

Hon'ble Judges : S. B. Majmudar, J;M. Jagannadha Rao, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

S.B. Majmudar, J.—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 AIR 1998 511 (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.