

(2000) 05 SC CK 0087

In the Supreme Court Of India

Case No : C.A. No. 2360 of 2000 Arising out of S.L.P. (C) No. 2337 of 2000

Thermal Power House H.S.E.B. and Another

APPELLANT

Vs

Anil Kumar and Others

RESPONDENT

Date of Decision : 09-05-2000

Acts Referred:

Citation : (2000) 5 SCALE 156

Hon'ble Judges : S. N. Variava, J;M. Jagannadha Rao, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

1. Heard counsel on both sides.
2. Leave granted.
3. The decree passed by the trial Court runs as follows:

As a result of my findings above, the suit of the plaintiffs succeeds and the plaintiffs are granted a decree for declaration to the effect that plaintiffs No. I to II are entitled to receive pay scale of Senior Technicians in the grade of Rs. 700/- 1250 with effect from 1979 and from 1.1.1986 grade of Rs. 1600/- 2660 and plaintiffs No. 12 to 16 are entitled to receive pay scale of Rs. 600/- 1100 with effect from 1.4.1979 and in the scale of Rs. 1400/- 2600/- with effect from 1.1.1986. The suit is, therefore decreed with costs and a direction is given to fix the pay scale of the plaintiffs within two months and thereafter release the arrears.

4. The said decree was confirmed by the first Appellate Court and the Second Appellate Court. Thereafter, the respondent plaintiffs filed an Execution Application claiming the revised scales of pay and for that purpose they have relied upon the decree passed in the suit. The Execution Court allowed the application granting the respondent the revised pay scales and this order has been affirmed by the High Court in revision.

5. This appeal has been preferred by the Haryana State Electricity Board, contending that the decree was for specific scales of pay and that under the decree, the plaintiffs are not entitled to revised pay scales. In our view, this contention is well founded. As per the decree set out above, the plaintiffs are entitled only to the specific scales for which the decree was granted. If, however, the said scales or pay are revised at a later date by that time, it will be open to them to seek relief separately.

6. It is not disputed that a writ petition is pending in High Court. Without prejudice to the contentions of the respondent in the writ petition, we set aside the order passed by the Execution Court on 3.5.1999, as affirmed by the High Court on 6.8.1999. It will be open to the respondents to urge their case with regard to the revised scales of pay in the writ petition.

7. We request the High Court to dispose of the Writ Petition at an early date, preferably, within three months from the date receipt of this order.

8. The appeal is disposed of accordingly.