

ITEM NO.31

COURT NO.7

SECTION XV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C).....CC NO(S) .  
8079/2016

(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 16/12/2015  
IN SCA NO. 482/2015 WITH SCA NO. 2877/2015 WITH SCA NO. 2908/2015  
AND SCA NO. 5995/2015 PASSED BY THE HIGH COURT OF GUJARAT AT  
AHMEDABAD)

GUJARAT MAZDOOR SABHA

PETITIONER(S)

VERSUS

DB CORP LTD AND ORS ETC.ETC.

RESPONDENT(S)

(WITH APPLN. (S) FOR PERMISSION TO FILE SLP AND OFFICE REPORT)

WITH

S.L.P. (C)...CC NO. 8184/2016

(WITH APPLN.(S) FOR PERMISSION TO FILE SLP AND OFFICE REPORT)

SLP(C) NO. 12187-12193/2016

(WITH INTERIM RELIEF AND OFFICE REPORT)

SLP(C) NO. 12199/2016

(WITH APPLN.(S) FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED  
JUDGMENT AND INTERIM RELIEF AND OFFICE REPORT)

Date : 02/05/2016 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s)

SLP(C) CC 8079/16

Mr. Colin Gonsalves, Sr. Adv.

Mr. Fidel Sabestian, Adv.

Mr. Satya Mitra, Adv.

SLP(C) CC 8184/16,

Mr. V.K. Garg, Sr. Adv.

SLP(C) 12187-193/16,

Mr. O. P. Bhadani, Adv.

SLP(C) 12199/16

Ms. Noopur Dubey, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

Heard the learned counsels for the petitioners and perused the relevant material.

We do not consider it necessary to entertain the present Special Leave Petitions in view of the fact that in Contempt Petition (Civil) No.411 of 2014 in Writ Petition (Civil) No.246 of 2011 and other connected matters this Court had passed the following order dated 14<sup>th</sup> March, 2016.

"All these cases will now be heard finally on 19<sup>th</sup> July, 2016. Registry is directed to list the cases on the top of the list on the said date.

The reports submitted on behalf of the States of Meghalaya, Himachal Pradesh and the Union Territory of Puducherry are taken on record and we have perused the same.

Insofar as the States and Union Territories in respect of which reports have been filed and compliance of the order of this Court is partial, we make it clear that all concerned establishments which are yet to comply with the order of the Court would do so on or before the date fixed i.e. 19<sup>th</sup> July, 2016.

So far as the States of Uttar Pradesh (partial), Uttarakhand, Odisha, West Bengal, Telangana, Andhra Pradesh, Karnataka, Tamil Nadu, Kerala, Goa and Assam are concerned, we direct that the reports in terms of this Court's order dated 28<sup>th</sup> April, 2015 be filed on or before the 5<sup>th</sup> July, 2016, failing which the Chief Secretaries of the States will

appear in-person on 19<sup>th</sup> July, 2016. Objections, if any, to such reports as may be filed shall be brought on record on or before 12<sup>th</sup> July, 2016.

We have also taken note of the various interlocutory applications that have been filed alleging wrongful termination of services and fraudulent surrender of the rights under the Wage Board recommendations to avoid liabilities in terms of the order of the Court. As such complaints received till date are substantial in number, this Court is not in a position to individually examine each case. We, therefore, direct the Labour Commissioner of each of the States to look into all such grievances and on determination of the same file necessary reports before the Court which will also be so filed on or before 12<sup>th</sup> July, 2016. We grant liberty to each of the individual employees who have filed the interlocutory applications and also such employees who are yet to approach this Court but have a grievance of the kind indicated above to move the Labour Commissioner of the State concerned in terms of the present order."

From the above narration it will be clear that the petitioners in the present Special Leave Petitions would have a right to move the concerned Labour Commissioner with the grievance that they have been fraudulently/forcibly made to surrender their rights under the Majithia Wage Board recommendations. In the event such grievances are raised before the Labour Commissioner concerned, it will be incumbent upon on the said Authority to consider the same and file a report before this Court on or before 12<sup>th</sup> July, 2016 as directed in the aforesaid order dated 14<sup>th</sup> March,

2016 passed in Contempt Petition (Civil) No.411 of 2014 in Writ Petition (Civil) No.246 of 2011 and other connected matters.

We, therefore, dispose of the present Special Leave Petitions in terms of the above order by requiring the Labour Commissioner concerned to act in terms of our aforesaid previous order dated 14<sup>th</sup> March, 2016 passed in Contempt Petition (Civil) No.411 of 2014 in Writ Petition (Civil) No.246 of 2011 and other connected matters and submit necessary report(s) after due verification of the grievances of the petitioners that they have been compelled/forced to give up their rights under the Majithia Wage Board recommendation. The petitioners will also be at liberty to file impleadment application(s) in the contempt petitions in question.

The Special Leave petitions as also all the applications therein are disposed of in the above terms.

[VINOD LAKHINA]  
COURT MASTER

[ASHA SONI]  
COURT MASTER