

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 27.10.2009*

+ **LPA 693/2003 & CM No. 1678/2003**

ALL INDIA INSTITUTE OF MED. SC Appellant
Through: Ms. Anagha for Mr. Mukul
Gupta, Advocate.

versus

RAJESH PRAKASH & ANR. Respondents
Through: Mr. Vikram Saini, Advocate.

CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG
HON'BLE MR. JUSTICE SURESH KAIT

1. Whether the Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

PRADEEP NANDRAJOG, J. (ORAL)

1. The appellant is aggrieved by the order dated 25.08.2003 passed by the learned Single Judge directing that in compliance with the mandate of Section 17 B of the Industrial Disputes Act, 1947, the workmen be paid last drawn wages or the minimum wages, whichever is higher, from the date of the Award i.e. 11.02.2000 till the writ petition filed by the Management is disposed.

2. The issue whether under Section 17 B of the Industrial Disputes Act, 1947 power of the Court is limited to direct payment of last drawn wages or it can also be directed that current minimum wages be paid stands settled by a Full Bench decision of this Court dated 24.05.2006 in LPA No. 84/2002 DDA Vs. Smt. Omwati and Others.

3. In view of the Full Bench decision of this Court in Smt. Omwati's case (*supra*), learned counsel for the parties pray that the appeal may be disposed of with a slight modification of the impugned order.

4. As per the impugned order, the wages have been directed to be paid from the date of the Award. Law requires the same to be paid from the date the Management filed the writ petition in this Court challenging the Award.

5. We accordingly dispose of the appeal maintaining the impugned order insofar it directs the last drawn or current minimum wages, whichever is higher, to be paid till the writ petition filed by the Management is decided, but modify the date with effect from which payment has to be made. The payment would be made with effect from the date when the writ petition challenging the Award was filed by the Management.

6. The appeal stands disposed of accordingly.

7. No order as to costs.

CM No. 1678/2003 (for stay) in LPA No. 693/2003

1. Since the appeal itself has been disposed of, this application has become *infructuous*.
2. Accordingly, the application is dismissed as having become *infructuous*.

PRADEEP NANDRAJOG, J.

SURESH KAIT, J.

OCTOBER 27, 2009
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