

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

Date of Reserve: 27th January, 2010
Date of Order: 3rd March, 2010

CONT. CAS(C) No. 219/2004

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03.03.2010

Sylvania & Laxman Karamchari Sangh ... **Petitioner**
Through: Ms. Aakanksha Munjal, Advocate

Versus

Smt. Shyama Aggarwal & Ors. ... **Respondents**
Through: Mr. Harish Malhotra, Sr. Advocate with
Mr. Sumant De, Advocate for the Contemnor
Mr. V.K.Tandon, Advocate for Labour Commissioner
Mr. Sandeep Anand, Advocate for
Mr. Sanjay Poddar, Advocate for LAC
Mr. K.C.Dubey, Advocate for IFCL.

CONT. CAS(C) No. 221/2004

Sylvania & Laxman Employees Welfare Union ... **Petitioner**
Through: Ms. K.C.Dubey, Advocate

Versus

Shri Ashok Aggarwal ... **Respondents**
Through: Mr. Harish Malhotra, Sr. Advocate with
Mr. Sumant De, Advocate for the Contemnor
Mr. V.K.Tandon, Advocate for Labour Commissioner
Mr. Sandeep Anand, Advocate for
Mr. Sanjay Poddar, Advocate for LAC

CONT. CAS(C) No. 409/2004

Sylvania & Laxman Employees Welfare Union ... **Petitioner**
Through: Mr. N.S.Dalal, Advocate

Versus

Smt. Shyama Aggarwal & Ors. ... **Respondents**
Through: Mr. Harish Malhotra, Sr. Advocate with
Mr. Sumant De, Advocate for the Contemnor
Mr. V.K.Tandon, Advocate for Labour Commissioner
Mr. Sandeep Anand, Advocate for
Mr. Sanjay Poddar, Advocate for LAC
Mr. K.C.Dubey, Advocate for IFCL.

JUSTICE SHIV NARAYAN DHINGRA

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

JUDGMENT

These three contempt petitions have been filed by employees/unions of Sylvania Laxman Limited alleging violation of orders dated 19th August, 2002 & 9th September, 2002. The petitions were filed more than 5 years back and this Court had been giving directions from time to time till date.

2. Vide order dated 19th August, 2002 the Court had recorded the settlement arrived at between the petitioner Union and management of Sylvania Laxman Limited and given directions regarding payment of dues, salary, gratuity etc. to the different workmen. This order was further modified by order dated 9th September, 2002 and the rights of the workmen were further clarified. The respondent company had to receive funds from different sources including from Land Acquisition Collector after acquisition of the land of the company on Najafgarh Road. The funds, equivalent to the claims of the workers, were placed at the disposal of Labour Commissioner to be disbursed amongst the workmen after verification of their claims. The workmen were being represented by several Unions and this Court had been passing orders from time to time regarding placing funds at the disposal of the Labour Commissioner and disbursement of these funds to the employees/workers. The stage has come when the salary and other dues of all the workmen pertaining to different Unions stand paid or the sufficient funds have been placed with Assistant Labour Commissioner for disbursement.

3. On last hearing i.e. 27th January, 2010 the management placed another amount of Rs.48,31,025/- at the hands of Assistant Labour Commissioner in

terms of the initial order of this Court so that this amount coupled with the amount already lying with Assistant Labour Commissioner be disbursed to the workmen. Learned Counsel representing different Unions of workmen raised issue of interest to be received by workmen. The pleas raised by different Counsel are self-contradictory. While one of the Unions has been claiming that the interest was payable only to 450 workmen, the other Counsel pleaded that all the workmen were to be paid interest irrespective of their numbers. It would be fruitful to see what were the directions given by this Court in its order dated 19th August, 2002 and 9th September, 2002 regarding interest.

4. The order dated 19th August, 2002 provided that the interest on dues will be paid @ 12% p.a. as per 1997 settlement and as per modification of the settlement subsequently entered into between the management and Welfare Union. The interest shall be payable for period up to 31st August, 1999 only to those workers who had submitted their affidavits prior to 15th March, 1998. In order dated 9th September, 2002 this Court observed that the workers who had got their benefits under the settlement, shall not be entitled to get benefits under the modified settlement. 37 workers who had not been paid salary from April, 1995 till 31st March, 1996, they shall be made payment of salary after withdrawing amount of Rs.47 lac.

5. It is therefore clear that the interest @ 12% p.a. was payable only to those workers who had submitted their affidavits prior to 15th April, 1998 but had not been paid their dues before August, 1999 and the interest was not payable to any other category of workmen. The settlements arrived at between the management and the workmen were of 1997 and 1999. The order did not mention any specific number whether this was 450 less or more. The Assistant Labour Commissioner, who is disbursing the funds, shall make payment of interest to those workmen who had filed their affidavits prior to 15th April, 1998, in accordance with the order dated

19.8.2002. If there was any shortfall in the amount, the same shall be borne by the management and placed at the hands of the Assistant Labour Commissioner.

6. With these directions, these petitions are disposed of. Nothing further survives in these petitions since the amount in terms of the directions of this Court had already been placed at the hands of the Assistant Labour Commissioner, by the management for disbursement.

March 03, 2010
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SHIV NARAYAN DHINGRA, J.