

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION Nos. 6573 & 7034 OF 2006

COMMON ORDER:

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Taking the contents of W.P.No.6573 of 2006 into consideration, these two Writ Petitions are disposed of by this common order, as the issue involved is one and the same in both the Writ Petitions. For the sake of convenience the parties are referred to as arrayed in M.P.No.78 of 2001.

W.P.No.6573 of 2006 came to be filed seeking issuance of Writ of Certiorari calling for records in connection with M.P.No. 78 of 2001 on the file of Labour Court-I, Hyderabad, dated 09.12.2005 and quash the same.

An application came to be filed under Section 33-C(5) of Industrial Disputes Act claiming the amounts due from the respondent therein towards wage revision arrears, Group Insurance Scheme and Employees Death Linked Insurance Scheme (PF) amount payable to the petitioners therein. The first petitioner therein is the wife of the deceased employee. The employee joined as worker with respondent company on 01.01.1983 bearing T.No.4705 and rendered his services till his death i.e., 13.01.2001. The respondent company failed to pay the wage revision arrears, Group Insurance Scheme of Rs.90,000/- and Employees Death Linked Insurance Scheme (PF) amount of Rs.60,000/-, inspite of several reminders and representations made on behalf of the petitioners therein to the concerned officers of the respondent company. The petitioners therein also got issued a legal notice dated 22.09.2001, which was received by the respondent company on 11.10.2001 and reply was also given to the said legal notice. The petitioners therein sought for payment of the amount as claimed by them, after computing the aforesaid benefits payable to the petitioners therein. After considering the oral and documentary evidence adduced therein, the labour Court held that the petitioners therein are entitled for wage revision arrears due to the employee from 01.01.1992 to 30.09.1995, Rs.90,000/- towards Group Insurance Scheme and Rs.60,000/- towards

Employees Death Linked Insurance Scheme (PF) as claimed by them. Aggrieved by the order of the labour Court, the present Writ Petition came to be filed by the company.

At the time when the matter is taken up for hearing, Dr.P.B.Vijay Kumar, learned counsel for the petitioner fairly states that the respondents are not entitled for Group Insurance and Employees Death Linked Insurance amounts since the employees (husband of the first respondent in both the Writ Petitions) died after taking voluntary retirement from service and the scheme is not applicable to dependants. The same is not denied by Sri Jaya Prakash Rao, the learned counsel for the respondents.

In view of the above, the order of the labour Court is set aside to the extent of payment of Group Insurance and Employees Death Linked Insurance amount. However, in view of the judgment of this Court and the decision of the Supreme Court in HMT Vs.P.Subbarayudu and others, wherein a direction was given to the company for payments of certain benefits to the employees who opted for voluntary retirement, the employees are entitled for payment of wage revision arrears.

Accordingly, both the Writ Petitions are disposed of directing the petitioner herein to pay wage revision arrears to the respondents, within a period of three months from the date of receipt of a copy of this order, as per the entitlement of the employees, after deducting any amounts already paid to them. It is always open to the respondents to make representation before the appropriate authorities claiming interest, if the deceased employees are entitled to, in which event, the same shall be dealt with in accordance with law. No costs.

Consequently, the Miscellaneous Petitions, if any, pending in these two Writ Petitions shall stand closed.

JUSTICE C. PRAVEEN KUMAR

26.11.2015

vhb