

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.11547 of 2019

ORDER:

Learned counsel for the petitioners as well as the learned Standing Counsel for respondent-Corporation submit that the issue raised in this writ petition is squarely covered by the order of this Court in W.P.No.20840 of 2017 and batch, dt. 03-10-2018.

Relevant portion of the above said order reads as under:

“(i) persons who claim that they fulfill the criteria laid down in the guide-lines/orders issued by the Corporation/Companies, may approach the Committee and satisfy the Committee that they are covered by the Scheme and that they fulfill the eligibility criteria. The Committee may look into the same and take a decision within 12 weeks;

(ii) persons who were not in employment on the cut-off date viz., 04.12.2016 cannot either seek the benefit of the scheme or challenge the scheme. The scheme prescribing a cut-off date is a product of a settlement reached under the Industrial Disputes Act, 1947. The settlement was under Section 12 (3) of the Act. Therefore, one of the conditions prescribed in the scheme viz., the cut-off date, cannot be challenged. Hence, the challenge to the prescription of a cut-off date contained in the scheme is rejected. However, these persons are given liberty to go before the Labour Court or any other appropriate Forum prescribed by any Special Enactments, if they have a right of absorption or regularisation conferred by such Special Enactments;

(iii) persons who are out of the scheme on account of non-payment of contribution to the Employees Provident Fund, cannot also seek the benefit of the Scheme solely on the ground that the fault lay with the Distribution

Companies. If these persons have any right conferred by any special enactment for regularization and/or absorption, they are given liberty to move the Fora prescribed under those enactments;

(iv) the claims of those engaged by the Civil Contractors for construction purposes are rejected.

Following the aforesaid common order and for the reasons stated therein, this Writ Petition is also disposed of in terms thereof.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 12.06.2019
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JUSTICE ABHINAND KUMAR SHAVILI

