

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. (S) 8387 OF 2017
[Arising out of SLP(C) NO.11119 OF 2015]

THE NEW INDIAN EXPRESS . . . APPELLANT(S)

VERSUS

STATE OF KERALA AND ORS. . . RESPONDENT(S)

ORDER

1. Leave granted.

2. Limited notice was issued by this Court in this case on 6th April, 2015 which is in the following terms:

"Issue notice, returnable within two weeks, only for the limited purpose of hearing the other side with regard to the question raised with respect to the alleged eleven ineligible persons as they are not the working journalists."

3. The matter relates to the entitlement of eleven (11) employees of the appellant to the interim relief under the Narayana Kurup Wage Board interim award (which was made final/affirmed by the Majithia Wage Board). Though initially the number of persons claimed to be ineligible were 68, the same has now been reduced to 11 (eleven) and the remaining 57 employees, it is claimed by the appellant, have been granted necessary relief. Though there is a dispute on this score, we would not like to enter into the same as the said dispute can be taken care of by a direction from the Court that the remaining 57 out of 68 employees in respect of whom objections were raised by the appellant would be conferred the benefit of interim award if the same has not already been granted. It is ordered accordingly.

4. With regard to remaining 11 (eleven) employees, details of whom are mentioned below, apparently, the objections of the appellant had not been considered by the High Court on the ground that the same had not been taken/raised at the relevant point of time.

Sl. No.	M category staff not covered by the award	Designation	IR payable as per Labour Commissioner order	IR Actually payable	Difference
1.	Radha-krishna Pillai K.	Stores Officer	109552.50	NIL	109552.50
2.	Venugopal M.P.	Accounts Officer	137202.00	NIL	137202.00
3.	Sobha R. Prabhu	Accounts Officer	120532.50	NIL	120532.50
4.	Jayalakshmi J.	Accounts Officer	120532.50	NIL	120532.50
5.	Sasikumar C K	Accounts Officer (Cir.)	105936.00	NIL	105936.00
6.	Radha-krishnan K S	Sr. Assistant	109746.00	NIL	109746.00
7.	Jayakumar P R	Senior Assistant	95368.50	NIL	95368.50

8.	Janaki- raman T S	Senior Assistant	65718.00	NIL	65718.00
9.	Jimmy Joseph	Executive (Schedul- ing)	128569.00	NIL	128569.00
10.	Sreekumar B.	Sales Executive	69604.31	NIL	69604.31
11.	Krishna- swamy C.	Sr. Executive (Schedul-i ng)	75420.80	NIL	75420.80

On perusal of the materials on record, including the Writ Petition and the Review Petition, we find that the High Court was not justified in coming to the said conclusion inasmuch as the lack of eligibility of the aforesaid employees was a specific issue raised by the appellant before the High Court.

5. In such circumstances, the High Court was not justified in refusing to go into the question raised by the appellant.

6. Consequently and in the facts stated above, we direct that the case of the 11 (eleven) employees mentioned above be considered to determine their eligibility to the benefit of the interim award in the light of the relevant provisions of the Act by the jurisdictional Labour Commissioner which will be so done within a period of six weeks from the date of receipt of a copy of this order.

7. With the aforesaid modification of the order of the High Court, the appeal(s) shall stand disposed of.

.....,J.
(RANJAN GOGOI)

.....,J.
(NAVIN SINHA)

NEW DELHI
JULY 03, 2017

ITEM NO.15

COURT NO.4

SECTION XI -A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 11119/2015
(ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 22-09-2014
IN WA NO. 584/2014 AND DATED 27-02-2015 IN RP NO. 853/2014 PASSED
BY THE HIGH COURT OF KERALA AT ERNAKULAM)

THE NEW INDIAN EXPRESS

PETITIONER(S)

VERSUS

STATE OF KERALA AND ORS.

RESPONDENT(S)

Date : 03-07-2017 This petition(s) was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s)

Mr. Harin P. Raval, Sr. Adv.
Mr. Abhay Anand Jena, Adv.
Ms. Bina Gupta, AOR
Mr. Ranjit B. Raut, Adv.

For Respondent(s)

Mr. C. K. Sasi, AOR

Mr. V. Shyamohan, AOR

Mr. Thampan Thomas, Adv.
Mrs. Tessy Varghese, Adv.
Mr. K. V. Mohan, AOR

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

Leave granted.

The appeal is disposed of in terms of the signed
order.

(VINOD LAKHINA)
AR-cum-PS

(ASHA SONI)
BRANCH OFFICER

[SIGNED ORDER IS PLACED ON THE FILE]