

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5872 OF 2009
[Arising out of SLP(C) No. 10562/2008]

ORISSA STATE HOUSING BOARD ... APPELLANT(S)

:VERSUS:

SITARAM LAL ... RESPONDENT(S)

WITH

CIVIL APPEAL NO. 5873 OF 2009
[Arising out of SLP(C) No. 12681/2008]

O R D E R

Leave granted.

We have heard the learned counsel for the parties.

The Orissa State Housing Board (hereinafter referred to as the 'Board') advertised a sealed tender for construction of 50 High Income Group (Duplex) houses at Jagmara within the Municipal Corporation of Bhubaneswar. The contract for the said construction was granted to Sitaram Lal - the respondent herein. The stipulated date for completion of the duplex houses was fixed as 1.2.1991 and the total value of the work was 1.18 crores.

As the respondent could not complete the said project within the stipulated period, he requested the Board for some more time for completion of the project. The Board agreed to give more time to the respondent for completing the project work on the condition that the respondent would not claim for the escalated cost of materials and the labour charges except for the payment of extra amount which was paid to the labourers by virtue of the revised wages as per the Minimum Wages Act and the Government Circular/Guidelines.

The respondent filed a writ petition before the Orissa High Court with a prayer to declare that he is entitled to be compensated for the escalated cost of materials and the labour charges paid to the labourers by virtue of the revised wages as per the Minimum Wages Act and the Government Circular/Guidelines.

Learned counsel for the respondent submitted, on instructions, that he is not pressing for additional amount towards the escalated cost of materials and his prayer is now confined only to the revised wages as per the Minimum Wages Act and the Government Circular/Guidelines issued by the Government of Orissa. The prayer seems to us to be reasonable.

Learned counsel for the appellant Board submitted that the respondent has already been paid the revised wages as per the Minimum Wages Act and the Government Circular/Guidelines issued by the State of Orissa, which is disputed by the learned counsel for the respondent.

In the facts and circumstances of this case, we direct that in case the respondent has not been paid the revised wages as per the Minimum Wages Act and the Government Circular/guidelines issued by the State of Orissa, the same would be paid to him within eight weeks from the date of communication of this order. The minimum wages shall be paid according to the supplementary agreement executed by and between the parties.

The impugned judgments dated 19.7.2007 of the High Court of Orissa are, accordingly, set aside and the appeals are disposed of with the aforementioned direction.

.....J
(DALVEER BHANDARI)

.....J

(Dr. MUKUNDAKAM SHARMA)

NEW DELHI,
AUGUST 28, 2009.

