

ABHAY SHREENIWAS OKA (CJ) AND SURAJ GOVINDARAJ 23/07/2021

WP NO. 9143/2020 Connected Cases: WP NO. 9348/2020, WP NO. 9353/2020, WP NO. 9350/2020

The learned Additional Government Advocate states that the State Government has not taken any decision on the issue of withdrawal of the impugned order. The learned counsel appearing for the second to fourth respondents in W.P. No.9143 of 2020 states that the said respondents had made a representation to the State Government and the said respondents have been orally informed by the Government that a decision has been taken to restrict the impugned order for a period of three years and that too, in relation to three industries. However, the learned Additional Government Advocate states that he has not received any such instructions. 2. It is very difficult to understand how the decision of the Government is not informed to the learned Government Advocate and the Associations of industries are made aware of the decision. 3. The learned counsel for the second to fourth respondents seeks time on the ground that today, the petitions were kept to enable the learned Additional Government Advocate to make a statement regarding withdrawal of the impugned order. Therefore, he needs time to get ready for the final hearing. 4. As the counsel is not ready for final hearing, we do not wish to hear the matter today. We must, however, clarify that right from 7th April, 2021 onwards, all the parties were aware that the petitions are being listed for hearing. 5. By the order impugned in these petitions, the Variable Dearness Allowance (VDA) amount payable from 1st April, 2020 to 31st March, 2021 has been postponed. By the order dated 11th September, 2020 of this Court, the operation of the said order has been stayed. The effect of the order of stay is that VDA amount for the period between 1st April, 2020 to 31st March, 2021 is payable from the date of the said interim order. 6. Time was repeatedly granted to the State Government to take a decision on the question of withdrawal of the impugned order. Now, the learned counsel appearing for the second to fourth respondents states that according to the said respondents, a decision has been taken to modify the order. If the State Government wants to withdraw the impugned order, obviously they do not require the leave of the Court. However, as the impugned order has been stayed by this Court, propriety requires that the State Government should seek the leave of the Court before implementing the decision of modifying the same. 7. List the petitions on 12th August, 2021.