

Amalgamated Coffee Estates, Limited, and Others

v.

Their Workmen and Others

(Supreme Court Of India)

HON'BLE JUSTICE K. N. WANCHOO HON'BLE JUSTICE  
M.HIDAYATULLAH HON'BLE JUSTICE J.C.SHAH HON'BLE JUSTICE  
S.M.SIKRI

Civil Appeal No. 541 And 543 Of 1961 | 22-01-1965

Wanchoo, J.

1. These two appeals by special leave arise out of an award of the special industrial tribunal for plantations, Coimbatore in a dispute between 228 coffee, tea and rubber estates and their employees. The dispute began in 1952 and was finally referred for adjudication to the special tribunal in January, 1954. The items in dispute were classified under three categories, one referring to the staff only, the second referring to the workmen and the third to both the staff and the workmen. The award was pronounced on September 15, 1956 and thereafter there were two applications for special leave which have given rise to these appeals. Appeal No. 541 is by a large number of estates involved in the dispute while appeal No. 543 is by Silver Cloud Estate only. Pending the hearing of the appeals, it was urged that the dispute had been compromised. Consequently an application was made to this Court on July 19, 1962 to dispose of the appeals in terms of the said settlement. It was, however, argued on behalf of some of the respondents workmen that they were not bound by the settlement, thought it was not in dispute that a settlement had been arrived at between the estates and a large number of employees who had accepted payments consistently with the terms of the settlement. It was however, urged that the settlement was not legally binding on the respondents because some of the unions which represented the employees did not participate in the negotiation of the settlement and were not parties to it. It was also urged that the mere acceptance by the workmen of payment consistently with the terms of the settlement did not necessarily show that they knew the effect of their acceptance of the said payments or that they had voluntarily and knowingly agreed to the terms of the said settlement. This matter came up before this Court on December 9 and 10, 1963 and in view of this settlement, this Court framed an issue in the following

terms :- "In view of the fact that admittedly a large number of workmen employed by the appellants have accepted payments consistently with the terms of the agreements set up by the employers in their present petition, is it shown by the respondents that the said agreement is not valid and binding on them ?

2. The industrial tribunal, Madras there after went into the issue which this Court sent down for decision and its finding is that in every estate payments were made in terms of the Madras settlement and such payments were voluntarily and knowingly accepted by the workmen. It also came to the conclusion that the settlement was a fair settlement having regard to the basic facts of the dispute between the parties. Finally the tribunal held that Silver Cloud Estate which is the appellant in appeal No. 543 was not party to the settlement.

3. On the return of this finding the matter was again set down for hearing and then an application was made on behalf of Silver Cloud Estate on December 16, 1964, in which it was stated that as a large majority of the managements had accepted the settlement, the appellant was also prepared to abide by the final decision of this Court in Civil Appeal No. 541 of 1961. The two unions which were concerned with Silver Cloud Estate are respondents 2 and 27 and notice of this application was given to these unions. It may be mentioned that those unions were parties to the settlement with reference to other estates. Notice has been served on the two unions and they have not appeared to object and have apparently no objection to Civil Appeal No. 543 being decided in the same manner as Civil Appeal No. 541 on the basis of the settlement.

4. An objection was raised on behalf of some of the respondents that the finding of the tribunal on the issue sent down to it was incorrect. But it has not been seriously pressed. We have considered that finding and are of opinion that the tribunal has carefully considered the issue sent down to it and there is no reason to disagree with its conclusion. The settlement appears to us also to be a fair one. We are therefor of opinion that the two appeals should be decided in accordance with the settlement. Even those estates which were not parties to the settlement are prepared to abide by it. We think that in the interest of uniformity and industrial peace the settlement should bind all estates which were represented before the special tribunal.

5. We therefore order that the two appeals be decided in accordance with the settlement. We therefore substitute annexure A to the application dated July 19, 1962 in place of the award so far as the workmen (other than staff) are concerned. We also substitute annexure C to the application dated July 19, 1962 in place of the award so far as the staff is concerned. In the circumstances, we pass no order as to costs.