

The Management of Kirloskar Electric Co.

Vs

Their Workmen

Civil Appeal No. 57 of 1969

(C. A. Vaidialingam, A. N. Grover JJ)

04.05.1973

JUDGMENT

GROVER, J. –

1. This is an appeal by special leave from an award of the Industrial Tribunal, Mysore. This Court, while granting special leave, confined it only to the question of giving of uniforms to welders and winders.
2. The appellant has a factory employing on an average 200 workers. On February 12, 1968, a reference was made by the Government of Mysore for adjudication to the Tribunal of six points which were in dispute. Point No. 4 was whether all workers should be provided with a pair of uniforms and a pair of suits per year. In the written statement filed by the appellant before the Tribunal it was submitted that it was giving uniforms to its watchmen, drivers, sweepers, canteen workers and such other workmen who were to be provided with protective clothing under the Factories Act and the Rules framed thereunder. It was not considered necessary that uniforms should be issued to other classes of workers.
3. The Tribunal was of the view that a general demand that all workers should be provided with uniforms was not reasonable and was contrary to precedents. But it referred to the evidence produced on behalf of the workers according to which the turners and the winders had to do such work that their clothes got damaged or there was a likelihood of their getting damaged. As regards the winders it was observed that industrial operations have become so complex and complicated that for the purpose of determining whether turners, welders and winders should get clothes because it was likely that their clothes will get spoiled on account of the nature of work which they were performing, it was the totality of all operations and circumstances that should be taken into consideration. This is what the Tribunal proceeded to say :

"It may be that if the turners and winders work at the spot at which they are expected to work their clothes normally are not likely to get soiled. This, however does not mean that the chances of their clothes getting spoiled or damaged during the course of work which they perform are far-fetched or too remote".

The Tribunal also referred to the other evidence produced and all the circumstances and was of the view that considering the nature of the work which these three categories of workmen were performing and the type of machines with which they were dealing there was no scope for contending that the possibility of the clothes of these workmen getting soiled or damaged was too remote or far fetched. The Tribunal, therefore, held, after also taking into consideration the

additional financial burden involved in supplying uniforms to these categories of workmen that it was most unreasonable to deny the supply of uniforms to them.

4. The sole argument of Mr. Shroff for the appellant is that there was hardly enough evidence on which any conclusion could be based that turners, winders and welders were doing such kind of work that their clothes were likely to get soiled or damaged and, therefore there was no question of making a direction that uniforms be supplied to them. At any rate, according to him, there was not a shred of evidence that the welders were doing any such work which involved even the remote possibility of their clothes being spoiled in any manner. It is pointed out that the winders had to sit in a chair and operate the machines which were of such type that their clothes could never get soiled or damaged. We do not think that any case has been made out for interference by this court on the point on which the special leave was granted. In the first place the Tribunal has taken into consideration not only the oral evidence but also all the other relevant circumstances. Secondly as laid down in *Hindustan Antibiotics Ltd. v. Their Workmen* ((1967) 4 LLJ 114 : (1967) 1 SCR 652 : AIR 1967 SC 948.) that though Article 136 is couched in widest terms, it is necessary for the Supreme Court to exercise its discretionary jurisdiction only in cases where awards made in violation of the principles of natural justice or raise an important principle of industrial law requiring elucidation and final decision by the Supreme Court or disclose such other exceptional or special circumstances which merit the consideration of the Supreme Court. In our judgment this case is not of the type which falls within those classes of cases which, according to the law laid down by this Court, calls for any interference.

5. In the result the appeal fails and it is dismissed with costs.

</html