

Workmen of Indian Turpentine and Rosin Co. Ltd.

Vs

Management of Indian Turpentine and Rosin Co. Ltd.

Civil Appeal No. 1999 of 1969

(H. R. Khanna, Syed M. Fazal Ali JJ)

27.10.1975

JUDGMENT

FAZAL ALI, J. -

1. A dispute arose between the workmen of Indian Turpentine & Rosin Co. Ltd. and the management for the payment of dear food allowance. The government was moved in the matter and ultimately the dispute was referred to the Industrial Tribunal No. III at Allahabad, who, by his order dated December 28, 1968, gave his award and made a slight increase in the dear food allowance at the lowest level of the wages, that is to say, for workers earning Rs. 32.50 per month. The appellants came up to this Court and prayed for special leave, which having been granted, this appeal has been placed before us for hearing. Mr. Goyal, learned Counsel for the appellants submitted two points before us. In the first place, he argued that the award of the industrial tribunal contains patent anomalies, which have led to a serious error of law apparent on the face of the record. Secondly, it was submitted that the learned tribunal has not at all considered the rising living index and the question of neutralization in increasing the dear food allowance. Learned Counsel for the management has rebutted the arguments of the appellants mainly on the ground that the company has provided very favorable terms to the workers, and as the government owns 79 per cent of the shares in the company, if any change in the wage structure is made at this stage, it will upset the entire system of the companies managed by the Government.

2. As regards the first contention of Mr. Goyal that the award contains patent anomalies, we find that the said contention is well-founded and must prevail. The presiding officer of the tribunal was no doubt impressed by the fact that the dear food allowance, given to the workers at the lowest level at the rate of four annas per rupee was on the low side, and having found this, he held that it would be proper to raise this allowance at the lowest level to rupees five, with the result that instead of getting Rs. 8.12, the workers earning wages at the rate of Rs. 32.50 would get Rs. 13.12 paise. In doing so, the presiding officer completely overlooked the fact that the workers earning more than Rs. 32.50, or Rs. 33 or 34, would be seriously prejudiced and would get less than what the workers earning Rs. 32.50 get. In these circumstances, we, therefore, think that the tribunal should have ordered an increase in such a way so as to work in an equitable fashion. We, therefore, propose to increase the rate in such a manner that the workers in the range of Rs. 32.50 to Rs. 52 per month, would be entitled to dear food allowance of 25 per cent on the basic wages, subject to a minimum of Rs. 13.12, as found by the tribunal. Similarly those workers who are in the range of Rs. 75-150, would get an increase of minimum of dear food allowance of three annas per rupee with a minimum DFA of Rs. 18.75.

3. As regards the second contention raised by learned counsel for the appellants, namely, that the

rate of four annas per rupee is extremely low, we are satisfied from the materials on record that no case for increasing this rate has been made out before us. Reliance was placed by the learned Counsel on certain decisions of this Court, which are, however, clearly distinguishable from the facts and circumstances of the present case. It has not been shown before us that there was any company engaged in similar or identical industrial pursuits, nor do we find sufficient material on record as may justify enhancement of the rate awarded by the tribune. In these circumstances, therefore, the second point raised by learned Counsel for the appellant must be rejected. We understand that subsequent to the order of the tribunal, there have been a number of agreements between the parties, and it is obvious that our order would not at all affect or prejudice those agreements. The order of the tribunal is, therefore, modified, as pointed out above, and the appeal is disposed of with no order as to costs.

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