

SUPREME COURT OF INDIA

Tarzan Hosiery (P) Ltd.

Vs.

Their Workmen

C.A.No.1540 (NL) of 1970

(V. R. Krishna Iyer, A. C. Gupta and N. L. Untwalia, JJ.)

06.01.1976

JUDGEMENT

KRISHNA IYER. J.:-

1. This appeal by special leave is aimed at the validity of an award dated January 23, 1970 made by the Industrial Tribunal (II) at Lucknow. According to the Management, it had two factories one at Calcutta and the other at Kanpur. The subject-matter of this appeal relates to the Kanpur factory which had on its muster rolls twenty eight workmen. This factory was closed, according to the Management's case, after payment of closure compensation in terms of the provisions of the Industrial Disputes Act. Seventeen workmen received the compensation but eleven did not. Out of this latter category, one is no more and the remaining ten disputed the case of closure and contended that it was a make-believe. The State Government made a reference of the dispute which thus arose between the workmen and the Management to the Industrial Tribunal. The award of the Tribunal was to the effect that there was no bona fide closure of the factory and that the workmen were entitled to be reinstated. Against these two directions, the appeal has been filed.

2. After having heard counsel for the appellant at some length, and on certain suggestions made by the Court, the parties have come to a settlement aided by the statesmanlike advice of counsel on both sides. We appreciate the services of counsel in this behalf and proceed to record the terms of the settlement.

3. The appellant undertakes to deposit into Court within one month from to-day Rs. 20,000/- on the basis of Rs. 2,000/- per worker. This will be in addition to the payment directed by this Court at the time the special leave was granted, which, counsel for the appellant says, has already been paid. On deposit, this sum will be withdrawn by the ten workers whose names are as under:-

1. Ram Chandra; 2. Madan Gopal; 3. Bishamber Dass; 4. Ujagar Singh; 5. Tara Singh; 6. Babu Lal; 7. Ram Niwas; 8. Ram Sumer Singh; 9. Ganga Ram; 10. Gauri Shankar.

4. The appellant agrees that if the ten workers individually or as a cooperative society, manufacture knitted goods or knitted fabrics he will buy them from them in preference to other manufacturers, provided the fabrics are of reasonable quality required by him and are sold at prices prevailing in the market at the time and to the extent required by him for his business: that is to say, he will not buy from outsiders for the same price knitted fabrics of the same quality without giving the first offer to the ten workmen aforesaid. This agreement will enure for 16 months from to-day.

5. As a matter of grace, the appellant agrees to deposit into court the costs of the respondents in this appeal.

6. The appeal is disposed of in the above terms.

Order accordingly.