

SUPREME COURT OF INDIA

Workmen of New Allenberry Works

Vs.

Deepak Industries Ltd.

C.A.No.1369 of 1975

(P. K. Goswami and S. Murtaza Fazl Ali, JJ.)

15.04.1977

JUDGEMENT

GOSWAMI, J.:-

1. This appeal by special leave is directed against by judgment of the Calcutta High Court in an industrial matter. The Division Bench, differing from the learned single Judge, held that there was no industrial dispute within the meaning of Section 2 (k) of the Industrial Disputes Act, 1947, as the Union which espoused the cause of the 174 dismissed employees of the company, had no valid or legal authority to present the dismissed employees.

2. We have heard counsel at some length, but when we have assembled this morning, we are glad to find the parties have compromised their difference finally. In that view of the matter, we express no opinion on the correctness or otherwise of the decision of the Division Bench. The parties have settled the dispute on the following terms:-

"The parties agree that the workmen other than those who have settled their accounts fully and finally against signed receipts, will be paid retrenchment compensation as on 9-11-67, in accordance with Section 25-F of the Industrial Disputes Act. 1947, subject to a minimum of Rs. 1,000/- each.

This will be paid to individual workman against their receipts within six weeks from today or as soon thereafter as the workmen present themselves for payment.

There will be no order as to reinstatement."

3. The respondent company also agrees to pay Rs. 1,000/- as costs of the appellant. The appeal is disposed of in terms of the above compromise

Order accordingly.