

Workmen

Vs

Balmer Lawrie & Co. Ltd., Bombay

Civil Appeal No. 248 of 1979

(V. R. Krishna Iyer, D. A. Desai, JJ)

29.10.1979

JUDGMENT

KRISHNA IYER, J. –

We have heard counsel on the narrow point of dispute between the management and the workmen on the question of additional D.A. which was the subject-matter of this appeal. We have taken due note of the burden that might be cast if any increased rate of D.A. were to be directed to be paid. We have also had regard to the financial capability of the management. As a result of all these and in the light of the various figures supplied to us by counsel, we think that the fairest course in the present situation, with special reference to the latter settlement between the parties, is to direct that a lump sum of Rs. 6,00,000 less any amount, that might have been paid by the management towards increase in dearness allowance under the settlement dated August 8, 1979, over and above what has been awarded by the Tribunal and paid as D.A., will be payable to all the workmen together in their collectivity. This will cover the liability of the management toward D.A. and overtime for the period July 1, 1971 to December 31, 1977. There will be no more liability on the part of the management, on the score of the industrial dispute, and consequential payments to the workmen by way of production bonus or overtime the sum so paid will be distributed by the company among the various classes of workmen and individual workmen, on a suitable formula to be worked out by the Union, to satisfaction of the body of workmen. This shall be done within two months of the formula being presented by the Union. The statutory liabilities that may be incurred by the management, on account of this extra payment towards D.A and consequential increase in the emoluments, will be outside this sum of Rs. 6,00,000, and are not included in this sum. We consider that this is a just adjustment of the dispute and quite reasonable in the circumstances of the case. With this direction, we dispose of the appeal. The management, however, will pay the costs of the workmen, quantified at a sum of Rs. 5,000. For the period January 1, 1978 onwards, the settlement already reached between the parties will govern their relationship and counsel of both sides agree to this course.

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