

British India Corporation Ltd

Vs

Industrial Tribunal, Punjab and Others

Civil Appeals Nos. 2685-86 (L) of 1977

(D. A. Desai, A. Varadarajan, O. Chinnappa Reddy JJ)

24.08.1983

ORDER

Mr. G. L. Sanghi, learned counsel for the appellant, with his usual persuasiveness tried to impress us that there is more than one reason why we should in the interest of justice interfere with the award of the Industrial Tribunal, Punjab by which variable dearness allowance admissible and payable to the workmen of the appellant company was enhanced from 37 paise per point to 75 paise per point. We heard Mr. G. L. Sanghi, learned counsel, for some time but the sum total of arguments was this, that the appellant is a concern run by the Central Government taken over as a sick unit and has suffered losses and therefore, even if on merits there is no case to interfere with the award of the Tribunal, looking to the condition of the appellant, this Court must grant some indulgence. He is especially keen that this Court should help the appellant by some formula by which the appellant is absolved from the liability to pay the balance of the arrears of enhanced dearness allowance which once the appeal is dismissed the appellant will have to pay. It must be remembered that the dearness allowance hardly if ever keeps pace with the rise in index. There is always a gap between the rise in index and the related dearness allowance formula and also the fact the neutralisation never reaches cent per cent rise in prices and therefore any tinkering with dearness allowance formula would cause dent in the otherwise uneconomic pay packets of these industrial workmen. We are, therefore, not inclined to interfere with the award of the Tribunal that we find well-reasoned and correct. We accordingly dismiss these appeals and vacate all the interim orders. The appellant is given six months' time to pay all the arrears. The appellant will also pay the cost to respondent-Unions which is quantified at Rs. 5000 to be equally divided between the two Unions.

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