

O. M. Bhargava (Dead) By Lrs.

Vs

Satyavati Bhargava (Mrs.) and Others

Civil Appeal No. 474 of 1975 With C.A. Nos. 351 of 1980, 242 of 1990, 818 of 1992, 2474 of 1977, 235 of 1983, SLP (C) No. 15641 of 1983, W.P. (C) No. 5259 of 1980

(Kuldip Singh, Yogeshwar Dayal JJ)

23.02.1994

Record Of Proceedings

ORDER

1. The question for consideration in Civil Appeal No. 242 of 1990 and connected matters is whether the Medical Representatives working in various pharmaceutical firms are 'workmen' as defined under Section 2(s) of the Industrial Disputes Act, 1947 (the Act). We have been taken through two judgments of this Court in *Burmah Shell Oil Storage and Distribution Co. of India v. Burmah Shell Management Staff Association* ((1970) 3 SCC 378 : (1971) 2 SCR 758) and *S. K. Verma v. Mahesh Chandra* ((1983) 4 SCC 214 : 1983 SCC (L&S) 510 : (1983) 3 SCR 799). The later three-judge Bench has not noticed the earlier judgment which is also by three-judge Bench. Apparently the view taken by the two Benches on the interpretation of Section 2(s) of the Act is contradictory. We are of the view that it would be in the interest of justice that these matters be heard by a larger Bench. The papers be placed before Hon'ble the Chief Justice of India for his kind consideration as to whether it would be appropriate to constitute a three-Judge Bench or five-Judge Bench to hear those matters.

Court Master

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