

Workmen of Hindustan Lever Ltd.

Vs

Hindustan Lever Ltd.

Special Leave Petition (C) No. 11833 of 1997

(K. T. Thomas, D. P. Wadhwa JJ)

07.01.1999

JUDGMENT

D. P. Wadhwa, J. –

1. Three workmen of the respondent, through their Union, seek leave to appeal to this Court against judgment dated February 27, 1997 of the Allahabad High Court allowing the writ petition filed by the respondent. In the judgment High Court set aside the Award dated August 6, 1983 of the Labour Court holding that termination of the services of the three workmen was not legal and directed that the respondent "shall reinstate them on work with continuity of their past service and to pay to them full wages and other allowances which they would have drawn if their services would not have been terminated for the period 7.10.1972 to their reinstatement".

2. Of the three workmen one would have retired on August 31, 1990 if he had continued in service. He later expired. He is Shiv Raj Singh Verma. During the pendency of the writ petition in the High Court he has been paid total sum of Rs. 1,33,233/- in view of Section 17-B of the Industrial Disputes Act, 1947. Other two workmen, namely, Bhuj Vir Singh and G.C. Saxena have each been paid Rs. 2,27,033/- under the similar provision till the Award was set aside by the High Court by the impugned judgment. It is stated before us that these workmen have about two years of more service if they had continued in service with the respondent.

3. Industrial dispute which was raised and referred to the Labour Court was as under :-

"Whether the non-payment of wages in lieu of weekly offs or not giving any compensatory leave in lieu thereof, by the employers to their workmen Shri Shivraj Singh Verma, Area Supervisor and Messers Bhujvir Singh and G.C. Saxena, Block Supervisors, in accordance with the Employer's order dated 1.2.1969, is proper and/or lawful, if not then to what benefit/compensation are the concerned workmen entitled to and from which date and with what other details."

"Whether termination by the employers the services of their workmen Shri Shivraj Singh, Area Supervisor and Messers Bhujvir Singh and G.C. Saxena, Block Supervisors is proper and/or lawful, if not to what benefit/compensation are the concerned workmen entitled to and with what other details."

While the Labour Court held in favour of the workmen High Court did not agree and set aside the Award. The workmen are aggrieved.

4. During course of hearing it was submitted by Mr. Sudhir Chandra, senior Advocate, appearing for respondent, that from the date of termination of services of the workmen from 7.10.1972 when the unit for manufacture of dehydrated peas of the respondent was closed and till this date workmen did not work though they were being paid their wages in terms of Section 17-B of the Industrial Disputes Act from the date of the Award till the impugned judgment of the High Court. In the facts of the case a suggestion was mooted that if workmen are paid a lump sum amount by way of compensation, they would not press their claim for reinstatement as per the Award of the Labour Court, which stands set aside by the High Court. We are happy to record that in view of this the respondent had agreed to pay a sum of Rs. 5 lakhs each to Bhujvir Singh and G.C. Saxena over and above the amounts which had already been paid to them and similarly the respondent would pay a sum of Rs. 2.5 lakhs to the heirs of deceased workmen Shiv Raj Singh Verma. This has been accepted by learned counsel for the three petitioners and their demand of reinstatement etc. has been given up.

5. This special leave petition is, therefore, disposed of in above terms and a direction is given to the respondent to pay Rs. 5 lakhs each to Bhujvir Singh and G.C. Saxena and Rs. 2.5 lakhs to the heirs of deceased Shivraj Singh Verma within a period of four weeks from today.