

SUPREME COURT OF INDIA

GOURI SANKAR CHATTERJEE & ORS.

Vs.

TEXMACO LIMITED & ORS.

15/12/2000

(K.G.Balakrishna, S.R.Babu)

Special Leave Petition (civil) 15178 2000

JUDGMENT

K.G. BALAKRISHNAN

The petitioners claimed that they had been working in the first respondent-company since last several years as 'Budli' workers and that they were entitled to be regularised. This dispute between the petitioners and the management of the first respondent-company was referred to the Industrial Tribunal by the appropriate Government for adjudication. The dispute referred to the Industrial Tribunal read thus:

"Whether the demand of the Badli workmen as shown in the annexure for regularisation of their services in the permanent roll of the company is justified? What reliefs, if any, are they entitled?"

The Industrial Tribunal, by its award dated 29.1.1999, held that out of the 100 workmen, 92 workmen were entitled to be regularised and to have all benefits and status like regular employees. They were further held to be entitled to have other statutory benefits also from the date of their respective initial engagement.

The award of the Tribunal was challenged before the High Court on the ground that the Industrial Tribunal had committed an error of jurisdiction as it allowed the scope of the Reference to be enlarged. But, this plea was not accepted by the learned Single Judge and the writ petition was dismissed. An application filed by the petitioners herein under Section 17-B of the Industrial Disputes Act, 1947 was allowed and it was directed that the 92 workmen should be paid every month an amount of Rs.3, 919.46 until conclusion of the proceedings or grant of 'permanent workman' status, whichever was earlier. The arrears of wages were also directed to be cleared within a stipulated period. The decision of the learned Single Judge was challenged before the Division Bench of the High Court.

The Division Bench held that the Tribunal had enlarged the scope of the Reference and thereby committed an error of jurisdiction. It was held that the main issue was whether 'Budli' workmen should be regularised, and for arriving at a just conclusion, it was permissible for the Tribunal to consider as to how the workmen had been treated and as to whether they had been subjected to unfair labour practice or not. However, while doing so, the Tribunal, evidently, did not put the

management of the first respondent-company on notice. The Division Bench of the High Court was of the opinion that had the management of the first respondent-company been put on notice, it could have brought on record the relevant material therefor. In that context, reliance was placed by the High Court on the decision reported in *Firestone Tyre & Rubber Co. of India Pvt. Ltd. vs. Workmen* 1981 (II) LLJ 218 and ultimately the Division Bench held that the Industrial Tribunal should consider the matter afresh in accordance with law and for that purpose, the award passed by the Industrial Tribunal was set aside. It was also directed that the decision should be taken within a period of three months from the date of communication of the order. The direction of the learned Single Judge to extend the benefits under Section 17-B of the Industrial Disputes Act to the petitioners was also vacated.

We heard the learned counsel on either side at some length. Having regard to the entire facts and circumstances of the case, we do not find any reason to interfere with the impugned judgment of the Division Bench of the High Court. Consequently, the Reference be considered by the Industrial Tribunal afresh in accordance with law. We express no opinion on merits.

The Special Leave Petition is disposed of accordingly. No costs.