

## **MYSORE HIGH COURT**

Firebricks and Potteries Ltd

Vs

Firebricks and Potteries Ltd

Civil Petn. No. 49 of 1955

(Venkata Ramaiya, C.J. and Padmanabiah, J.)

30.09.1955

### **JUDGMENT**

#### **Venkata Ramaiya, C.J.**

1. This is an application under Article 227 of the Constitution of India for cancelling a reference made by the State Government of certain disputes between the petitioner and the respondent to the Industrial Tribunal. The concern in which the dispute has arisen being a "Controlled Industry" it is alleged that only the Central Government and not the State Government is competent to make the reference. A list of Controlled Industries is given in the schedule to the Industries (Development and Regulation) Act, 1951 and Item No. 37 therein is said to apply to the business of which the petitioners are managers and respondents are employees.

2. The reference purports to be under Sections 10 and 12(5) Industrial Disputes Act, and the authority to make the reference is given in these to the appropriate Government; "Appropriate Government" is defined in Section 2(a) thus :

(a) "Appropriate Government means -

(i) in relation to any industrial dispute concerning any industry carried on by or under the authority of the Central Government or by a railway company or concerning any such controlled industry as may be specified in this behalf by the Central Government or in relation to an industrial dispute concerning a banking company or insurance company, a mine, an oilfield or a major port, the Central Government, and

(ii) in relation to any other industrial dispute, the State Government.

According to the definition one of the conditions necessary for a reference by the Central Government is the existence of a dispute in an industry carried on under its authority or a "Controlled Industry." If nothing more is required the words "specified in this behalf" in the section would be superfluous or else the words signify a further condition. The rule applied to construction of statutes is to give effect to everything expressed therein and not to treat any of the words as redundant or unmeaning. There is no need to depart from the normal principle of

interpretation as it is possible and reasonable to hold that the words denote a further Civil Procedure Code (1908), Order 20 Rule 11(2) - Order condition of a specification by which the Central Government reserves authority for making a reference. The learned Advocate-General has pointed out a notification in which such industries are specified. The Central Government has not specified the industry to which the reference relates as one reserved by it. Industries of the kind mentioned in the schedule to the Industries (Development and Regulation) Act 1951 are many, and have sprung up in several parts of India, and disputes between the management and workers are a frequent occurrence. It is not likely that the Central Government intended to determine the means of settling all these; and the words emphasize this by providing that the industries in which it will exercise jurisdiction are to be specified.

3. Even so, Sri Ullal contended that the section is illegal and unconstitutional as it enables the executive to have power or discretion which may be exercised arbitrarily uncontrolled by any guiding principles and that it also gives scope for discrimination. The section no doubt allows the Central Government option to treat the settlement of disputes in some industries as its exclusive concern.

4. Such delegation is not peculiar to this Act and is found in other Acts too as the Legislature cannot ascertain or anticipate the conditions and circumstances pertaining to the numerous industries in the country with the facility and advantage the Government has, if as a result of the specification, the reference in some cases is to be made by the Central Government and in others by the State Government, it cannot be said that there is differentiation in a matter of substance or that the principle of equality under Article 14 of the Constitution or rule relating to delegation is contravened. Contentions similar to these about provisions of the Minimum Wages Act were rejected by the Supreme Court in '*Edward Mills Co. Ltd. Beawar v. State of Ajmer*<sup>1</sup>', with the observation :

"The legislature undoubtedly intended to apply this Act not to all industries.....It is with an eye to these facts that the list of trades has been drawn up in the schedule to the Act but the list is not an exhaustive one and it is the policy of the legislature not to lay down at once and for all time to which industries the Act should be applied. Conditions of labor vary under different circumstances and from State to State and the expediency of including a particular trade or industry within the schedule depends on a variety of facts which are by no means uniform and which can best be ascertained by the person who is placed in charge of the administration of the State."

Article 227 confers on this Court powers of superintendence and control over subordinate Tribunals. But these are powers to be exercised under exceptional circumstances. This is not a case which calls for exercise of such powers.

5. The petition is therefore dismissed but without costs.  
Petition dismissed.

<sup>1</sup> AIR 1955 SC 25