

## **Morinda Co-Op. Sugar Mills Ltd vs Ram Kishan And Others Etc on 25 August, 1995**

**Equivalent citations: 1996 AIR 332, 1995 SCC (5) 653, AIR 1996 SUPREME COURT 332, 1995 (5) SCC 653, 1995 AIR SCW 4131, 1996 LAB. I. C. 221, 1996 (1) UPLBEC 606, (1995) 6 JT 547 (SC), 1996 ( ) LAB LR 214, (1996) 1 SERV LJ 170, 1995 (6) JT 547, (1996) 1 LAB LJ 870, (1995) 71 FACLR 822, (1995) 2 LAB LN 1129, (1996) 1 MAD LJ 42, (1996) 1 UPLBEC 606, (1996) 1 CURLR 17, (1996) 61 DLT 201, 1995 SCC (L&S) 1279**

**Author: K. Ramaswamy**

**Bench: K. Ramaswamy, B.L Hansaria**

PETITIONER:

MORINDA CO-OP. SUGAR MILLS LTD.

Vs.

RESPONDENT:

RAM KISHAN AND OTHERS ETC.

DATE OF JUDGMENT 25/08/1995

BENCH:

RAMASWAMY, K.

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RAMASWAMY, K.

HANSARIA B.L. (J)

CITATION:

1996 AIR 332

1995 SCC (5) 653

JT 1995 (6) 547

1995 SCALE (5) 198

ACT:

HEADNOTE:

JUDGMENT:

**O R D E R** Leave granted.

We have heard the counsel on both sides. The Labour Court and the High Court in the impugned judgment dated July 29, 1994 made in CWP Nos. 10033-35 of 1994 concluded that since the respondents had worked for more than 240 days in a year, they were retrenched workmen within the meaning of Section 2 (oo) of Industrial Disputes Act, 1947 [for short, 'the Act']. Consequently, requirements of Section 25F of the Act need to be satisfied but it was not done. So, held that the retrenchment is void and consequently reinstatement of the respondents was directed. Thus, this appeal by special leave.

When we directed the appellants to furnish the crushing seasons in which the factory worked, they filed additional affidavit and for the years 1987-88 to 1993-94, crushing seasons were given as follows :

Crushing Year Commenced on Closed on

|         |            |           |
|---------|------------|-----------|
| -----   |            |           |
| 1987-88 | 7.11.1987  | 18.4.1988 |
| 1988-89 | 28.11.1988 | 17.4.1989 |
| 1989-90 | 19.11.1989 | 30.4.1990 |
| 1990-91 | 25.10.1990 | 7.3.1991  |
| 1991-92 | 30.10.1991 | 17.4.1992 |
| 1992-93 | 28.10.1992 | 16.4.1993 |
| 1993-94 | 2.11.1993  | 10.3.1994 |

It would thus be clear that the respondents were not working throughout the season. They worked during crushing seasons only. The respondents were taken into work for the season and consequent to closure of the season, they ceased to work.

The question is whether such a cessation would amount to retrenchment. Since it is only a seasonal work, the respondents cannot be said to have been retrenched in view of what is stated in clause (bb) of Section 2 (oo) of the Act. Under these circumstances, we are of the opinion that the view taken by the labour Court and the High Court is illegal. However, the appellant is directed to maintain a register for all workmen engaged during the seasons enumerated hereinbefore and when the new season starts the appellant should make a publication in neighbouring places in which the respondents normally live and if they would report for duty, the appellant would engage them in accordance with seniority and exigency of work.

The appeals are accordingly allowed but, in the circumstances, without costs.