

## **Crompton Greaves Ltd. vs Its Workmen on 3 April, 1978**

**Equivalent citations:** AIR1978SC1489, [1978(36)FLR329], 1978LABLC1379, (1978)ILLJ80SC, (1978)3SCC155, 1978(10)UJ366(SC), AIR 1978 SUPREME COURT 1489, 1978 3 SCC 155, 1978 LAB. I. C. 1379, 1978 SCWR 212, 1978 U J (SC) 366, 36 FACLR 329, 1978 2 LBLJ 80

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**Bench:** Jaswant Singh, V.R. Krishna Iyer

### JUDGMENT

Jaswant Singh, J.

1. This appeal by special leave challenges the award dated December 30, 1970 of the Eighth Industrial Tribunal, West Bengal, In a reference made to it by the State Government under Section 10 of the Industrial Disputes Act. 1947 holding the striking workmen entitled to their wages, for a portion of the strike period viz. from January 11, 1968 to the end of February, 1968, and directing the appellant to pay the same to the workmen within one month from the date of the publication of the award in the Calcutta Gazette.

2. For a proper appreciation of the questions involved in the appeal it is necessary to set out the circumstances leading to the strike which lie in a short compass. On December 27, 1967, the appellant, M/s. Crompton Greaves Ltd, Calcutta, (hereinafter referred to as 'the Company'), which is an engineering concern engaged in the manufacture and sale of electrical products such as motor-fan, motor control gears, transformers and other electrical instruments, and has its Registered Office at Bombay and branches at several places in India, intimated to Graves Cotton and Crompton Paikinson Associates workmen's Union, Calcutta, (hereinafter referred to as 'the Union') its decision to reduce the strength of the workmen in its branch at Calcutta on the ground of severe recession in business. Apprehending mass retrenchment of the workmen who numbered 353, the Union sought the intervention of the Minister in charge, Labour, and the Labour Commissioner. Thereupon, the Assistant Labour Commissioner arranged joint conferences in his office of the representatives of the Union and the Company with a view to explore avenues for conciliation and amicable settlement. Two conferences were accordingly held on the 5th and 9th January, 1968 in which both the parties participated. As a result of these conferences, the Company agreed to hold bipartite talks with the representatives of the Union at its Calcutta Office on the morning of January 10, 1968 to find out the possibility of an agreed solution. The talk as agreed, did take place on the morning of January 10, 1968 but no agreement could be arrived at. Whereas according to the Union, the Management of the Company was not serious to arrive at a negotiated settlement and merely made a show of discussing the matter with its representative,

according to the Management of the Company, the unseemly and recalcitrant attitude adopted by the Union during the course of the talk led them to believe that the Union was not interested in any fruitful negotiation. The Assistant Labour Commissioner, however, continued to use his good offices to bring about an amicable settlement through another joint conference which was scheduled for January 12, 1968. On the afternoon of January 10, 1968, the Company without informing the Labour Commissioner that it was proceeding to implement its proposed scheme of retrenchment, hung up a notice retrenching 93 of its Workmen belonging to its Calcutta Office. Treating the step taken by the Company as pretty serious demanding urgent attention and immediate action, the workmen resorted to strike with effect from January 11, 1968 after giving notice to the appellant and the Labour Directorate and continued the same upto June 26, 1968. In the meantime the industrial dispute in relation to the justification of the afore-said retrenchment was referred by the State Government to the Industrial Tribunal on March 1, 1968. Subsequently, the State Government vide its order No. 8890 IR/IB/IOL/79/67 dated December 13, 1968 referred the issue of the workmen entitlement to wages for the strike period from January 11, 1968 to June 26, 1968 to the Industrial Tribunal for adjudication. By its afore said order dated December 30, 1968, the Industrial Tribunal acceded to the workmen's demand for wages for the period commencing from January 11, 1968 to the end of February, 1968 but rejected their demand for the remaining period of the strike observing that the redress for retrenchment having been sought by the Union itself through the Tribunal, there remained no justification for the workmen to continue the strike. The scope of the appeals, therefore, restricted to the determination of the short question of entitlement or otherwise of the striking workmen to wages for the period commencing from January 11, 1968 and ending with February 29, 1968.

3. Before proceeding to formulate the points arising for consideration in this appeal, we think it appropriate to advert to the legal position bearing on the upshot of the appeal.

4. It is well settled that in order to entitle the workmen to wages for the period of strike, the strike should be legal as well as justified. A strike is legal if it does not violate any provision of the statutes. Again, a strike cannot be said to be unjustified unless the reasons for it are entirely perverse or unreasonable. Whether a particular strike was justified or not is a question of facts which has to be judged in the light of the facts and circumstances of each case. It is also well settled that the use of force or violence or acts of sabotage resorted to by the workmen during a strike disentitles them to wages for the strike period.

5. In the light of the above mentioned principles, the following two points arise for consideration in this case:

Whether the aforesaid strike was illegal or unjustified ?

Whether the workmen resorted to force or violence during the portion of the strike period commencing from January 11, 1968 and ending with February 29, 1968?

6. Re Point No. 1.-specific provision of Law has been brought to our notice on behalf of the appellant which rendered the strike illegal during the period under consideration. The strike cannot also be

said to be unjustified as before the conclusion of the talks for conciliation which were going on through the instrumentality of Assistant Labour Commissioner, the Company retrenched as many as 93 its workmen without even intimating to the Labour Commissioner that it was carrying out its proposed plan of effecting retrenchment of the workmen. Point No. 1, therefore, is answered in the negative.

7. Re. Point No. 2.-The only other point that remains to be decided is whether the striking workmen resorted to force and violence between January 11, 1968 and the end of February, 1968 which disentitled them to wages.

8. The Tribunal has held that it has not been proved that the workmen resorted to force and violence during the period in question. We have ourselves gone through the entire evidence adduced in the case but have not been able to discern anything therein which may impel us to take a view different from the one taken by the Tribunal. Maybe that force and violence was resorted to by the striking workmen but the vital question that confronts us is whether the Company has been able to establish it. No clear, cogent and disinterested evidence has been adduced to substantiate the charge that the striking workmen harassed the managerial staff or assaulted and intimidated the loyal employees or cut off electric lines or prevented any dealer from entering the business premises of the Company and transacts business with it. No prosecution also appears to have been launched in regard to any of these alleged incidents excepting the one by C.G. Biswanathan which was also later on withdrawn. The Company has failed to produce either Mr. Bose or any other employee mentioned in its various letters to the Police. The material on the record thus falls far short of the standard of proof required in cases of this nature. The Tribunal was, therefore, justified in holding that the Management has failed to prove that the workmen resorted to force and violence during the period with which we are concerned. Accordingly, we cannot interfere with the decision of the Tribunal in this appeal under Articles 136 of the Constitution.

9. For the foregoing reasons, we find no merit in this appeal which is dismissed but without any order as to costs.