

an industrial dispute between these workmen and the management of Orient Paper Mills Ltd. was referred to by the State Government under section 10(1) (d) of the Industrial Disputes Act . the Tribunal gave its award on all the thirty items of dispute . it was sought and granted in respect of two matters . the principle for fixation of minimum wages was laid down by this Court in the case of French Motor Car Co. Ltd. vs Workmen(1) . the Tribunal found that there were no other concerns in the same line of business as the Company . the Tribunal found that there were no other concerns in the same line of business as the Company in the region . the Tribunal held that it would not be proper to compare the wage structure for these Paper Mills with that of the Company . it is clear that the region cure industry principle . there is no concern in the same industry in the region comparable with the concern in which wages have to be fixed . it was envisaged as occurring whenever the particular concern in question happens to be already paying the; highest wages in its particular line of business . the industrial courts would be justified in looking at wages paid in that region . the Tribunal took into account the minimum wages being paid by other Paper Mills . the lowest paid worker in the Paper Mill at Brajrajnagar gets more than what is paid as minimum wage in some of the paper mills outside the State . in other industries, which are close to the paper industry, the minimum wage is above Rs. 90 in almost all cases . learned counsel for the Company urged that the principle of fixation of wages on the basis of Comparison in the region laid down in the case of French Motor Car Co.(1) is not rigid and, it is not. necessary that the minimum wage . the Tribunal considered the minimum wages in these concerns on the basis of the prevailing Price Index of 441 at Sambalpur taking 100 as the basic index for the year 1939 . the Tribunal should not have proceeded to make the alternative calculation on some other basis so as to arrive at a lower figure of Rs. 73 p.m. as the wage covering the basic wage and the dearness allowance . the minimum wage should be fixed at the average level of 'wages' in the other comparable industries in the region . it was argued that other amenities being provided by the Company should also be taken into account . in this case, however, there is nothing to show that the Company is providing such amenities which are different from the amenities that are being provided . the total minimum wage

packet of a workman in the Company should be fixed at Rs. 73 and there should be paid, in addition, production bonus to the extent of Rs. 11 in each case . there is no extra amount received as production bonus in the three Collieries, in the steel plant and in the Cement Factory . the minimum wage is the total wage packet receivable by the workman . 'total minimum wage packet of a workman in the Company shall be fixed ,at Rs. 95 consisting of 'the three elements of basic wage; dearness allowance and production bonus' the company has always treated the total wage as consisting . of these three elements in the proportion of 3:3: 1. on behalf of the workmen, it was urged before the Tribunal that the proportion should be 3: 1: 1 . the total minimum wage of Rs. 95 must also be deemed to have the same break up . learned counsel for the workmen argued that at least the dearness allowance element of the wage should have been made variable with the Price Index . the tribunal did not consider it advisable to link minimum wage with the cost of living index . the Tribunal did not consider it advisable to link minimum wage with the cost of living index . the tribunal had directed that the increase of Rs. 12 p.m. in the total minimum wage packet allowed by it will enure to the benefit of the lowest paid female, badli and permanent dailyrated workers . the Tribunal had directed that the increase of Rs. 12 p.m. in the total minimum wage packet allowed by it will enure to the benefit of the lowest paid female, badli and permanent dailyrated workers also . it was urged that this would cast a very heavy burden on the Company . the labour has not raised a fresh dispute for a further revision of wages . the revised wages should take effect from 13th December, 1962 . only other dispute raised in this appeal related to the bonus for the year 1962 63 . the Tribunal for bonus equivalent to six months ' wages, in fact, was never made by the workmen on the basis that the surplus calculated under the Full Bench Formula would justify bonus being granted at that rate . the 'tribunal, in this connection, has quoted the pleading in their written statement before it . there is one very significant circumstance, namely that this dispute was raised by the workers 'before the expiry of the year 1962 63' the balance sheet and profit and loss could only be prepared after the closure of the year 1963 64 which year had not even started running . the Tribunal was quite correct in not trying to work out the surplus according to the Full Bench Formula

and in awarding bonus on that basis . the argument is incorrect . in the case of some clerical staff, the bonus was calculated as equivalent to three months ' basic wages . there is a consolidated wage consisting of the two 678 elements of basic wage and dearness allowance lumped together . the principle which is being applied is the simple one of calculating the bonus payable at the rate of three months' basic wage . the appeal is only partly allowed inasmuch as the minimum wage fixed by the Tribunal in the Award is carried . the rest of the award of the Tribunal is upheld .