

Fuel Injection Ltd. vs Kamger Sabha And Anr. on 15 November, 1977

Equivalent citations: AIR1978SC324, [1978(36)FLR97], 1978LABLC172, (1978)ILLJ204SC, (1978)1SCC156, 1977(9)UJ794(SC), AIR 1978 SUPREME COURT 324, 1978 (1) SCC 156, 1978 LAB. I. C. 172, 1978 (1) LABLN 303, 36 FACLR 97, 1977 U J (SC) 794, 1978 (1) LABLJ 204

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Bench: P.S. Kailasam, V.R. Krishna Iyer

JUDGMENT

V.R. Krishna Iyer, J.

1. It is perhaps a golden rule in a judgment of affirmance in appeal to be very brief, particularly where no new points have been raised or deserves to be decided.

2. Counsel have argued at length these appeals which turn on an a Industrial dispute involving reinstatement of a large number of workmen on the score that according to the award of the Industrial court their dismissal was illegal. Although the labour court held that 110 workmen had been illegally dismissed, it granted relief in a limited compensatory way. Dissatisfied with that award, the workers went up to the High Court under Article 226 of the Constitution. In a very elaborate judgment the High Court awarded compensation under two heads: for the back wages, it awarded compensation on a classified stale categorising the workers into two groups. In regard to reinstatement, the Court gave many reasons why reinstatement should not be allowed and justified the order of the labour court in this behalf. However, an additional sum by way of compensation was awarded in lieu of reinstatement. The total sum so awarded under both the needs is given in the judgment of the High Court.

3. But the Labour and Management have come up in appeal and thus we have two appeals to dispose of C.A. No. 529 of 1976 is by the workers and C.A. No. 530 of 1976 is by the Management. We have heard counsel on the merits of the matter but are impressed with one submission made in limine by Shri Singhvi, appearing for the Management. He contended that this was not a case directly from the tribunal where this Court's jurisdiction would have the amplitude of an appellate court and may go into the various facets of the award and its legality or otherwise. May be, even the merits of the matter could be investigated in that jurisdiction. But the present appeals, are from a judgment of the High Court under Article 226 and so the jurisdiction of this Court in entertaining an appeal by special leave under Article 136 must ordinarily be confined to what the High Court could or would

have done under Article 226. This limitation must be borne in mind when we deal with the judgment under appeal. We think that in such a situation unless there is some plain error of law or a serious nature we should not lightly interfere. Nor should we, sitting in appeal, interfere with the exercise of discretion in-molding the relief. So viewed, we are satisfied that the judgment under appeal does not merit interference. We dismiss both the appeals.

4. The amount that has been directed to be paid by the High Court runs into a substantial sum. The management has already deposited Rs. 5,00,000/- in this Court which has been duly transmitted to the labour court. The Management has not stood in the way of the amount being withdrawn by the workmen. They are free to withdraw the amount forthwith.

5. In regard to balance, we think that it is but fair to allow the Management an opportunity to remit the sum in two instalments, the first instalment of Rs. 4,00,000/- will be paid to the workmen or be deposited into the labour court (to be withdrawn by the workmen) on or before 1st October, 1978. The balance will be deposited or paid as above indicated on or before 1st October, 1979.

6. There is a direction by this Court in its order dated 27th April 1976 which states that in regard to the amounts granted in lieu of reinstatement the appellant (i.e. the Management) will pay interest at 12% per annum on the amount due. That amount works out to Rs 6,73,053 84. On this amount, from the date this Court passed the said order i. e. 27th April, 1976 interest at the rate of 12% per annum will be paid till 15th November, 1977. From now on i. e. from 15-11-1977 the sum will carry interest at 7% per annum until the date of first deposit and the balance up to the date of second and final deposit.

7. It will be open to the workmen, individually in proportion to the amount due in each or collectively through the Union, if the labour court is satisfied that that is feasible, to withdraw the amounts as and when deposited. Although the matter ends on more or less a consent note, the workmen will be paid a sum of Rs. 1,000/- by way of costs in both the appeals together.