

Tamil Nadu Joint Action Council And ... vs Government Of Tamil Nadu And Ors. on 14 August, 1986

Equivalent citations: AIR1987SC1490, [1987(54)FLR647], 1987LABLC1033, (1987)ILLJ105SC, (1986)4SCC128, AIR 1987 SUPREME COURT 1490, 1987 LAB. I. C. 1033, 1987 (1) CURLR 193, 1986 SCC (L&S) 755, (1987) 54 FACLR 647, (1986) 2 LAB LN 743, 1986 (4) SCC 128, (1987) 70 FJR 17, (1987) 1 LABLJ 105

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Bench: M.M. Dutt, O. Chinnappa Reddy

JUDGMENT

O. Chinnappa Reddy, J.

1. By a G.O. Ms. No. 1395 dated 15-7-1985 the Government of Tamil Nadu referred for adjudication by an Industrial Tribunal and industrial dispute between "the workmen South India Mills Association, National Textile Corporation and Co-operative Spinning Mills" in respect of matters mentioned in the Annexure to the order. The terms of reference were set out as follows:

(1) Whether the demand of the workmen for revision in basic wages for different category of workmen is justified, if so, to revise the wages and give appropriate directions for fitment and the date from which the revision of wages should come into force.

(2) Whether the demand of the workmen that the D.A. should be fixed at forty paise over 340 points of Madras City Cost of Living Index based on 1936 index is justified, if not, to what relief the workmen are entitled.

(3) Whether the demand of the workmen that a portion of the D.A. should be merged with basic wages is justified, if so, to determine the quantum which should be merged with the basic wages.

(4) Whether the demand of the workmen for House Rent Allowance at 15% of the total wages is justified if not, to what relief the workmen are entitled.

(5) Whether the demand of the Union for increasing the rate of annual increment for workmen, Maistries and staff is justified, if not, to what relief the workmen are

entitled, (6) Whether the demand of the workmen that they should be granted casual leave at the rate of 15 days with the wages per year is justified, if not, to what relief the workmen are entitled, (7) Whether the demand of the workmen for conveyance allowance of Rs. 2/- per day is justified, if not, to what relief the workmen are entitled, (8) Whether the demand of the workmen should be classified as permanent and learners is justified and whether the demand of the workers that the learners should be paid Rs. 10/- per day and once in 3 months their wages should be increased at Rs. 5/- per day is justified, if not, to what relief the workmen are entitled, (9) Whether the demand of the workmen for supply of Uniforms is justified, if not, to what relief the workmen are entitled, (10) Whether the demand of the workmen for granting Leave Travel Concession is justified, if so to give appropriate directions and the date from which the directions should take effect.

(11) Whether the demand of the workmen for wages revision of wages for workers employed in Mills having 2000 spindles and more and manufacturing of 10s is justified, if so to what relief they are entitled.

2. Later, another order was issued specifying the individual mills in respect of whose workmen and management the dispute had been referred for adjudication. Several hundred mills were specified in the order but a few who were parties to the conciliation proceedings before the Labour Conciliation Officer and who were also members of the South India Mills Association were left out. Complaining that some of the mills had been arbitrarily left out, the Tamil Nadu Joint Action Council of Textile Trade Unions has filed the present Writ Petition. Subsequent to the filing of the Writ Petition more mills were included in the reference but some continued to be left out. The mills who have been left out have been mentioned in G.O. Ms. No. 1111 dated 13-6-1986. There are 12 such Mills mentioned in the G.O. In regard to Katteri Mills the G.O. recites that the name of the Mill has since been changed and the Mill has been included in the reference under its new name. No question therefore arises in respect of Katteri Mills. In respect of SSM Processing unit, the G.O. recites that it is a processing unit and therefore cannot be classified as "Textile Industry with manufacturing process". The case of SSM Processing unit is distinguished from the case of United Bleachers Limited processing unit on the ground that the latter was a member of South India Mills Association and had always been following the Textile Industry-wise pattern in the matter of wage revision. There appears to be sufficient justification for not including SSM Processing unit in the reference. In regard to the 10 other Mills mentioned in the G.O. it is recited that there are settlements in force between the managements and the workmen of these mills. We think, in view of the fact that the dispute was an industry-wise dispute and not establishment-wise dispute, these 10 Mills should have also been included in the reference and it should have been left to the managements of the Mills to object to the reference before the Tribunal. These 10 Mills are members of South India Mills Association. They were parties to the conciliation proceeding. The terms of reference as already mentioned by us show that the dispute was industry-wise and not establishment-wise. The Government should not have at this stage taken on itself the task of deciding whether these Mills should or should not be governed by the general adjudication affecting all the workmen in the industry. In the circumstances, we direct the State of Tamil Nadu to forthwith include these 10 Mills enumerated as numbers 3 to 12 by G.O. Ms. No. 1111 dated 13-6-1986 in the reference to the

Tribunal made by G.O. Ms. No. 1395 dated 15-7-1985. The concerned managements may object to the reference if so advised.

3. The Writ Petition is disposed of accordingly.

4. The Transfer Petitions are dismissed as withdrawn.