

Supreme Court of India

Ibm World Trade Corporation vs M. Kalyana Raman And Others on 18 February, 1987

Equivalent citations: JT 1987 (1) SC 525, 1987 Supp (1) SCC 73

Author: E Venkataramiah

Bench: E Venkataramiah, K Singh

ORDER E.S. Venkataramiah, J.

1. We have heard learned Counsel for all the parties. We are of the view that Judgment of the Labour Court in so far as it directs the management to pay notice pay and retrenchment compensation in addition to the amount already received by the workmen concerned under the Special Opportunity Plan is not sustainable and is liable to be set aside. We set aside the judgment of the Labour Court to that extent. We are happy to record that the IBM World Trade Corporation India Superannuation Scheme Trust, respondent No. 2 herein, has agreed to pay a consolidated sum of Rs. 5,000/-each to such of the employees who resigned and left on or after 1-11-1976 when the Special Opportunity Plan was announced and were not entitled to pension under the IBM World Trade Corporation India Superannuation Scheme and where any such employee is dead to his legal heir/s. We direct that the payment may be made accordingly. The above payment shall be paid in full and final satisfaction of all the claims including the claim for Superannuation against the management and the Trust. We further direct that all pending proceedings in or before any Court or authority in India of any of the aforesaid employees shall stand withdrawn. The learned Counsel for the workmen also submits that the aforesaid employees will withdraw the objections filed before the Income tax Authorities against the disbursement of the Superannuation Fund. The trustee are at liberty to disburse the amount from the Trust Fund and to wind up the Trust, if so advised.

2. Shri G.B. Pai, learned Counsel for the Trust, submits that the amount of Rs. 5,000/- payable to each of the workmen referred to above shall be disbursed on or before May 31, 1987.

3. Civil Appeal Nos. 139 to 145 of 1981 are accordingly allowed. Civil Appeal No. 64 of 1982 is disposed of in the aforesaid terms.