

Supreme Court of India

Tata Iron And Steel Co. Ltd. vs Their Workmen on 27 April, 1973

Equivalent citations: AIR 1973 SC 1401, 1974 (0) BLJR 167, 1973 (26) FLR 454, 1973 LabLC 1117, (1973) IILLJ 153 SC, (1974) 3 SCC 154, 1973 (5) UJ 730 SC

Author: Grover

Bench: A Grover, C Vaidialingam

JUDGMENT Grover, J.

1. This is an appeal by special leave from an award of the Industrial Tribunal-cum-Labour Court, Jabalpur.

2. The appellant company owns and manages, inter alia, seven collieries in the district of Dhanbad. In the year 1956 an All India Industrial Tribunal known as the Mazumdar Tribunal gave an award in respect of colliery disputes. In this award, commonly known as the 'Mazumdar Award' the wage structure was fixed inter alia for the clerks employed in the various collieries including those belonging to the appellant company. The scales of salary under the said award were fixed as follows :-

Grade III -Rs. 36.3.75 Grade II -Rs. 45.3.54.4.80 Grade I -Rs. 60.4.80.5.115.

According to this award Bonus and Provident Fund Clerks were put in Grade II and Leave Clerks etc. in Grade III. The said scales were fixed by consent on the statements placed before the Tribunal by the Indian Mining Association and the then Principal Labour Federation. The appellant had fixed its own grades according to which the salaries were being paid at the time of the implementation of the Mazumdar Award and, therefore, it suitably raised the Award scales of pay as follows without disturbing the categorisation :

Grade III -Rs. 45.3.78.4.82 Grade II -Rs. 60.5.100. Grade I -Rs. 87.7.115.8.131.9.158.

Till 1959 Provident Fund account of the workers were maintained at different collieries but bonus accounts and leave with pay and railway fare accounts were being maintained at the Central office which was at that time situated at Digwadih. The clerks mentioned at serial Nos. 1 to 17, 19, 20 and 22 and 29 of the Order of Reference on which the present award was given by the Industrial Tribunal were working either in the Bonus section in the Central Office or at the Provident Fund Sections at the collieries & they were all placed in Grade II. The clerks mentioned at serial Nos. 18 and 21 were given Grade III on their appointment. In the year 1959 a decision was taken by the management of the appellant to amalgamate the bonus-posting work and Provident Fund card-posting work by introducing Bonus-cum-Provident Fund card replacing the Bonus Registers and Provident Fund Cards. It was considered that by this merger certain duplication of work would be avoided. After distribution of work according to the new decision the Central Office was doing the work connected with the Provident Fund, Bonus and Leave with wages and railway fare.

3. The dispute which arose and led to the making of the reference dated November 7, 1964 under Section 10(1) of the Industrial Disputes Act, 1947, hereinafter called the 'Act' related to 29 clerks of

the Central Bonus and Provident fund Section. The only question was whether they were entitled to the higher scale of Grade I.

4. The Tribunal held that before the new system had been introduced of getting the work of posting of Bonus and Provident Fund etc. at the Central Office the Clerk had simply to do the work of posting Bonus or Provident Fund in respective form or register. He did not have to perform the multifarious duties connected with Bonus, Provident Fund, leave with pay and railway fare besides drafting letters for Government authorities as had to be done after the introduction of the new system. Moreover the Senior Superintendent of the office, Mr. Shivam, insisted on having the progress register of work done by each clerk and as such the progress register had to be maintained. The Tribunal relied on the evidence of Shri Shivam and Shri P.C. Chariam which showed that even after the declining of Provident Fund claim from Bonus scheme it was made obligatory on the part of the employers to maintain Bonus register in Forms, and also to submit monthly returns of the annual Provident Fund membership. Moreover the clerks had to deal with various types of correspondence also. Reference was made to other evidence which showed that the appellant had to pay a good deal of overtime wages from 1960 to 1966 and it became difficult to cope with the Volume of work with the strength of the clerks in the Central Office and various suggestions were made by Shivram himself from time to time. It was pointed out that the concerned clerks had not only to perform mechanical type of work like posting figures in various forms and registers but had also to do checking. They had further to attend to odd jobs including going to government authorities for explaining the entries. Moreover two of the clerks in the Central Office who had been performing same duties as the concerned clerks had been given Grade I. The explanation given by Shivram was that they were doing additional work like supervision etc. The Tribunal found no justification for making a discrimination between the aforesaid two clerks and the concerned clerks. According to the Tribunal the Bonus and Provident Fund Clerks had been put in Grade II by the Mazumdar Tribunal because the duties which they were expected to perform were of a routine nature. Their duties were not so complex as were being performed by the concerned clerks in the Central Office which were getting more and more complicated by the various charges in the enactments relating to bonus, Provident fund and the rules and regulations relating thereto and introduction of new type of forms and statements which were not within the contemplation of the Mazumdar Tribunal. The Tribunal, therefore, made a direction that the concerned 29 clerks should get the higher scale of pay i.e. of Grade I with effect from February 21, 1964.

5. The only point which has been argued on behalf of the appellant is the Tribunal was in error in holding that the work-load of the clerks concerned had increased by combining of the Bonus and the Provident Fund work and the other work which was being done by these clerks relating to leave with pay, railway fare and correspondence but that was of such a nature which was being actually done by Grade III clerks. It has been submitted that the statutory changes in the forms of Provident Fund and Bonus were only of a minor nature and did not require any special skill. The new system had only been introduced for the purpose of streamlining the administration and the Tribunal, it is said, did not have enough material or evidence for coming to the conclusion at which it arrived.

6. We are unable to accede to the above submissions on behalf of the appellant. We have been taken through the evidence on the Tribunal relied, in particular, the statement of Shivram who was mainly

responsible for the introduction of the new system. It is clear from his evidence that the concerned clerks had to do much more work which required greater skill and efficiency than a Bonus or Provident Fund clerk had to do. Although there was documentary evidence which could have been produced to support his statement that the two clerks doing similar work had been given Grade I because they were doing supervisory work also but those documents were not produced in support of his statement. The Tribunal has rightly not relied on his evidence that those two clerks who had been given Grade I were infact performing any duties of a supervisory nature over the work of Grade II clerks. The Mazumdar Award had put those clerks in Grade II who were either doing the work of Provident Fund Clerks or bonus Clerks. The clerks in respect of whom the award had been given were performing duties of a different kind and of multifarious nature, as has been found by the Tribunal. On the whole, we are satisfied that there is no such infirmity in the appreciation of evidence which would justify our interferring with the award on a question which is more or less a question of fact.

7. The appeal fails and it is dismissed with costs.