Supreme Court of India
Morinda Co-Op. Sugar Mills Ltd vs Ram Kishan And Others Etc on 25 August, 1995
Equivalent citations: 1996 AIR 332, 1995 SCC (5) 653
Author: K Ramaswamy
Bench: Ramaswamy, K.

PETITIONER:
MORINDA CO-OP. SUGAR MILLS LTD.

Vs.

RESPONDENT:
RAM KISHAN AND OTHERS ETC.

DATE OF JUDGMENT25/08/1995

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
HANSARIA B.L. (J)

CITATION:
1996 AIR 332 1995 SCC (5) 653
JT 1995 (6) 547 1995 SCALE (5)198

ACT:

HEADNOTE:

JUDGMENT:

O R D E R Leave granted.

We have heard the counsel on both sides. The Labour Court and the High Court in the impugned judgment dated July 29,1994 made in CWP Nos.10033-35 of 1994 concluded that since the respondents had worked for more than 240 days in a year, they were retrenched workmen within the meaning of Section 2 (oo) of Industrial Disputes Act, 1947 [for short, `the Act]. Consequently, requirements of Section 25F of the Act need to be satisfied but it was not done. So, held that the retrenchment is void and consequently reinstatement of the respondents was directed. Thus, this appeal by special leave.

When we directed the appellants to furnish the crushing seasons in which the factory worked, they filed additional affidavit and for the years 1987-88 to 1993-94, curshing seasons were given as follows :

Crushing Year	Commenced on	Closed on
1987-88	7.11.1987	18.4.1988
1988-89	28.11.1988	17.4.1989
1989-90	19.11.1989	30.4.1990
1990-91	25.10.1990	7.3.1991
1991-92	30.10.1991	17.4.1992
1992-93	28.10.1992	16.4.1993
1993-94	2.11.1993	10.3.1994

It would thus be clear that the respondents were not working throughout the season. They worked during crushing seasons only. The respondents were taken into work for the season and consequent to closure of the season, they ceased to work.

The question is whether such a cessation would amount to retrenchment. Since it is only a seasonal work, the respondents cannot be said to have been retrenched in view of what is stated in clause (bb) of Section 2 (oo) of the Act. Under these circumstance, we are of the opinion that the view taken by the labour Court and the High Court is illegal. However, the appellant is directed to maintain a register for all workmen engaged during the seasons enumerated hereinbefore and when the new season starts the appellant should make a publication in neighbouring places in which the respondents normally live and if they would report for duty, the appellant would engage them in accordance with seniority and exigency of work.

The appeals are accordingly allowed but, in the circumstances, without costs.