Supreme Court of India
M/S. L. H. Sugar Factories And Oil ... vs Their Workmen on 3 August, 1962
Equivalent citations: 1967 AIR 161, 1963 SCR (3) 571
Author: M R.
Bench: Mudholkar, J.R.

PETITIONER:
M/s. L. H. SUGAR FACTORIES AND OIL MILLS (P) LTD.

Vs.

RESPONDENT:
THEIR WORKMEN

DATE OF JUDGMENT:
03/08/1962

BENCH:
MUDHOLKAR, J.R.
BENCH:
MUDHOLKAR, J.R.
GAJENDRAGADKAR, P.B.
GUPTA, K.C. DAS

CITATION:
1967 AIR 161 1963 SCR (3) 571

ACT:
Industrial Dispute-"Crushing Season"-Meaning of Date which the crushing season ended-Induastrial Disputes Act. 1947 (14 of 1947).

HEADNOTE:
The appellants employed about 1,600 seasonal workers and about 650 permanent workers. The cane crushing process terminated on March 1,2, 1959, and on that day about 1,000 of the 1,600 seasonal workers left for their homes by the evening after receiving their dues. The remaining seasonal workers continued to work in the factory till March 16, 1959. Under the term of a previous award, they were entitled to three days' closure holidays. According to the Appellant the crushing season must be regarded as having ended on' March 16, 1959, which was the last day on which the factory was worked and that only those seasonal workers who were borne on the muster roll of the factory on March 17, 1959, would be entitled to three days' closure holidays. The point for consideration was whether the "Crushing season" of 1958-59 must be deemed to have ended on March 12, 1959, when the actual crushing of sugar cane stopped, or on March 16, 1959. when all ancillary operations in the factory

came to an end and the entire machinery was at a stand-still.
Held, that the expression "Crushing Season" must be given its ordinary meaning unless it is shown that in the industry in question it has acquired some other meaning. There was no evidence, before the tribunal to the effect that "crushing season" meant the period during which the factory was actually working and not merely the period during which the crushing operations were being carried on. Since the operations came to an end on March 12, 1959, the crushing must be held to have ended on that day, and, therefore, the seasonal workers borne on the muster roll on March 13, 1959, were entitled to three days' closure holidays.

JUDGMENT:

CIVIL APPELLATE JURISDICTION: Civil Appeal No. 254 of 1962.

Appeal by special leave from the Award dated May 1, 1961, of the Industrial Tribunal (111), U.P. at Allahabad in Reference No. 69 of 1959.

G.S. Pathak, J. B. Dadachanji, O. C. Mathur and Ravinder Narain, for the appellants.

B. P. Maheshwari, for the respondents.

1962, August 3- The Judgment of the court was delivered by MUDHOLKAR, J.-The only point for consideration in this appeal by special leave from an award of the Industrial Tribunal at Allahabad is whether the "crushing season" of 1958-59 must be deemed to have ended on March 12, 1959 when the actual crushing of sugar cane stopped or on March 16, 1959 when all ancillary operations in the factory came to an end and the entire machinery was at a standstill. According to the appellants the "crushing season" came to an end on the latter date while according to the respondents who are the employees of the factory it came to an end on the former date.

The importance of determining the date on which the season terminated arises out of the admitted position that only those seasonal workers who are borne on the muster roll of the factory on the day next to the date on which the crushing season ended would be entitled to three days' clos- ure holidays. It is the case of the respondents that the appellants employ about 1,600 seasonal workers and about 650 permanent workers. It is common ground that the crushing process terminated on March 12, 1959, and on that day about 1,000 of the 1,600 seasonal workers left for their homes by the evening after receiving all their dues. The remaining seasonal workers continued to work in the factory till March 16, 1959, and, therefore, under a term of an award of the Industrial Tribunal in reference No. 33 of 53 and dated April 15, 1953, they are entitled to three days' closure holidays. The case of the appellants, however, is that the crushing season must be regarded as having ended on March 16, 1959 which was the last day on which the factory was worked and that only those seasonal workers who were borne on the muster roll of the factory on March 17, 1959 would be entitled to

three days' closure holidays. The 600 seasonal workers who worked till the evening of March 16, 1959, would therefore, according to them not be entitled to closure holidays. During arguments Mr. Pathak also suggested that the fact that between March 12 and March 16,1959, 600 seasonal workers continued to work in the factory has not been established in this case. Taking up the last point it is sufficient to point out that the evidence of W. W. 1, B. S. Chauhan, who is a member of the executive of the U. P. Trade Union Congress, Kanpur, shows that the seasonal workers other than those who left on the evening of March 12, 1959, were borne on the muster roll of the appellants on March 13, 1959. His evidence on the point has not been challenged in the cross-examination. Nor have the appellants examined any witness for the purpose of showing how many seasonal workers were borne on the muster roll on March 13, 1959. The only witness examined by them, Shri K. K. Sinha, who is working as Manufacturing Chemist, has no knowledge about the matter because, as admitted by him in his cross-examination, he was not working in the mills in the 1958-59 crushing season. Since the total number of seasonal workers was 1,600 and nearly a thousand had left on March 12, 1959 the number of those, who continued to work till March 16, 1959 must be six hundred. We must, therefore. proceed on the basis that the names of about 600 seasonal workers continued to be borne on the muster roll of the appellants on March 13, 1959.

What has to be considered then is what was the date on which the crushing season of 1958-59 ended. It seems to us clear that the crushing season must be deemed' to have ended on the date on which the crushing operations in the factory came to an end and not on the date on which the manufacturing processes in the factory came to an end. We must give to the expression crushing season" its ordinary meaning, unless it is shown that in. the industry it has acquired some other meaning There was no evidence before the Tribunal to the effect that crushing season" meant the period during which the factory was actually working and not merely the period during which the crushing operations were being carried on.

Clause (3), of the Award of 1953 runs as follows:"All permanent workers and such seasonal employees as are on the factory's roll on the day following the close of the crushing season will be entitled to the clos- ure holidays."

There is nothing in the Award to indicate that according to the Tribunal "crushing season" meant anything else than the period during which Crushing operations were carried on. Since, as already pointed out the operations came to an end on March 12,1959 the crushing season must be held to have ended on that day. Those seasonal workers who were borne on the muster roll on March 13, 1959 would be entitled to, three days, closure holidays. Agreeing with the Tribunal we therefore, uphold the Award and dismiss the appeal with costs.

Appeal dismissed.
