
(2009) 05 MP CK 0044
In the Madhya Pradesh High Court

Godrej Beverages and Foods Limited	Vs	APPELLANT
Ramashankar Yadav and Others		RESPONDENT

Date of Decision : 08-05-2009

Acts Referred:

Essential Commodities Act, 1955 — Section 3
Industrial Disputes Act, 1947 — Section 25F

Citation : (2009) ILR (MP) 2027 : (2009) 4 LLJ 836 : (2009) 3 MPHT 251 :
(2009) 3 MPLJ 76

Hon'ble Judges : Sushma Shrivastava, J;Arun Mishra, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Arun Mishra, J.

The question which arises for consideration in the bunch of writ petitions is whether the food processing industry falls within the ambit of entry "engineering industry" as provided in Entry 16 of Schedule of M.P. Industrial Relations Act, 1960 (hereinafter referred to as "the Act").

Respondent employees have filed applications under the Act, they were appointed in the petitioner industry, their services were ultimately terminated vide order dated 25-11-1992. It was submitted that their services were illegally retrenched without compliance of Section 25-F of the Industrial Disputes Act. Notice of lay-off was illegal, there was no reason to resort to the lay-off. The employer wanted to obtain work from the contractor as such lay off was resorted to.

A preliminary objection was raised on behalf of the industry that the provisions of the Act of 1960 was not applicable to it, it could not be termed to be engineering industry, it was involved in the food processing.

The Labour Court found that more than 100 employees were working in the industry, however, the Labour Court came to the conclusion that the petitioner

could not be termed to be engineering industry covered within the Entry 16 in the Schedule of the Act, hence the provisions of the MPIR Act, could not be said to be applicable. The applications preferred, were dismissed. Dissatisfied thereby the employees preferred appeals before the Industrial Court, appeals have been allowed by the Industrial Court vide order dated 23-8-2006. Petitioner industry has been held to be covered in the ambit of engineering industry by the Industrial Court and the Industrial Court has remitted the case to the Labour Court for decision on merits of the case. Dissatisfied thereby the instant writ petitions have been preferred.

Shri Ajay Mishra, learned Sr. Counsel appearing with Ms. Deepti Sohane, for petitioner has submitted that the decision rendered by the Industrial Court is illegal. The production made by the industry is material, the process is performed with the help of fruit pulp. No engineering product is produced. The total process could not be termed to be covered with the Entry 16 of the Schedule of the Act. The food processing industry has been defined in Industries (Development and Regulation) Act, 1951. The Counsel has submitted that the petitioner industry could not be said to be included within the ambit of Entry 16. Counsel has further submitted that petitioner industry is engaged in production of fruit juice based drinks using fruit pulp, sugar and permissible colours etc. Food product industries are governed by the provisions of the Fruit Products Order, 1955 made u/s 3 of Essential Commodities Act, 1955. Petitioner industry holds the licence to produce food products. District Trade and Industry Center has also issued a certificate certifying the products manufactured in the factory. The petitioner has set up most modern plant in order to maintain the hygiene and purity of products. The manufacture is done through the machine with minimum human interventions. No product outcome of engineering is produced. The learned Sr. Counsel has also submitted that Entry 16 cannot be construed in wider sense, he has relied on various decisions to be referred hereinafter. Merely by the fact that machines are utilized in the process of manufacture, the industry could not be said to be covered within the ambit of engineering industry.

Learned Counsel appearing for respondent has supported the order passed by the Industrial Court. He has submitted that decisions of this Court rendered in *Bharat Chand Chaturvedi v. State of M.P.* 1993 MPLJ 159 and *M.P. State Seeds & Farm Development Corporation v. Virendra Kumar Shrivastava* 2005 M.P.L.S.R. 511, have been relied upon by the Industrial Court, thus the order passed by the Industrial Court being in accordance with law, deserves to be upheld.

Main question for consideration is what is the scope of Entry 16 in the Schedule of the Act. Schedule of the Act is quoted below:

Schedule

Omitted.

Iron and steel.

Electrical goods.

Sugar and its bye products including (i) the growing of sugarcane on farms belonging to or attached to concern engaged in the manufacture of sugar; and (ii) all agricultural and industrial operations connected with the growing of sugarcane or the said manufacture.

Rice mills.

Oil mills.

Potteries.

Cement.

Lime industry.

Electricity generation and distribution.

Printing press.

Paper and straw board.

Asbestos cement.

Shellac.

Public Motor Transport.

Engineering including manufacture of motor vehicle.

Flour mills.

Biscuit and confectionery.

Glass.

Starch.

Vegetable oil.

Rubber.

Ceramics including refractory goods, fire bricks, sanitary wares, insulators, tiles, stonewares, pipe and furnace lining bricks.

Chemical and chemical products industry.

Non-metallic mineral product industry.

Aluminium industry.

Gelatin industry.

Leather and Tanneries, including leather products.

Fertilisers as specified in Item 18 of the First Schedule to the Industries

(Development and Regulation) Act, 1951 (65 of 1951).

Drugs and pharmaceuticals specified in Item 22 of the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Fermentation industries as specified in Item No. 26 of the First Schedule to the Industries (Development and Regulation) Act, 1951 (65 of 1951).

Manufacture of Dairy Products and its distribution.

In the various entries in the Schedule, class of industries has been mentioned. In Entry 16 it has been specifically provided that manufacture of motor vehicle is also covered within ambit of entry.

Learned Counsel for the petitioner has submitted that expression "engineering" applies to the industry applicable to manufacture of machines such as motor vehicles. Before going into the merits of the submission, we deem it appropriate to consider the meaning of "engineering" as defined in New English Dictionary and Thesaurus. The word "engineering" is defined thus:

Engineering - The art of practice of constructing and using machinery; the art and science by which natural forces and materials are utilized in structure or machines.

The art and science by which natural forces and materials are utilized in structures or machines, is covered within the expression "engineering".

In Corpus Juris Secundum, Vol. 30 Page 705, the word "engineering" has been defined thus:

"Engineering" - The art and science by which the mechanical properties of matter are made useful to man in structures and machines. More specifically "engineering" is the planning and constructing of roads, bridges, railroads, canals, aqueducts, machinery and other similar works.

Engineering work - Any work of construction or alteration or repair of railroad, harbor, dock, canal or sewer; any work of alteration of a railroad or of irrigation canal and laterals.

The word "engineering" as defined in Oxford Dictionary of English means; the work done by, or the profession of, an engineer. Often specialized as civil, mechanical, military etc.; agricultural, electric, gas hydraulic, railway, sanitary, telegraph etc.

In the new Encyclopedia Britannica Vol. 18 Industrial Engineering and Product Management has been divided in various sections such as engineering as profession, major fields of engineering includes military engineering functions, civil engineering, mechanical engineering, chemical engineering functions and branches of chemical engineering. Branch of chemical industry includes production of food stuffs etc. Other divisions are electrical and electronics engineering, petroleum engineering, aerospace engineering, bio engineering,

nuclear engineering etc. While dealing with the branches of chemical engineering at Page 419 of the Encyclopedia Britannica, non-traditional employment has been dealt with. Chemical engineering is development of process and the design and operation of plants in which materials undergo changes in physical or chemical state on a technical scale. Chemical engineering is as old as the process industries. Its heritage dates from the fermentation and evaporation process operated by early civilizations. Modern chemical engineering emerged with the development of large-scale, chemical-manufacturing operations in the second half of the 19th century. In the same way that a complex plant can be divided into basic unit operations, so chemical reactions involved in the process industries can be classified into certain groups, or unit process (e.g. polymerizations, esterifications and nitrations) having common characteristics. This classification into unit processes brought rationalization to the study of process engineering. The chemical engineering functions are defined at Page 419 of Encyclopedia Britannica thus:

Chemical engineering functions. - Chemical engineers are employed in the design and development of both processes and plant items. In each case, data and predictions often have to be obtained or confirmed with pilot experiments. Plant operation and control is increasingly the sphere of the chemical engineer rather than the/chemist. Chemical engineering provides an ideal background for the economic evaluation of new projects and, in the plant construction sector, for marketing.

In the Encyclopedia Britannica at Page 419, the branches of chemical engineering are defined thus:

Branches of chemical engineering. - The fundamental principles of chemical engineering underlie the operation of processes extending well beyond the boundaries of the chemical industry, and chemical engineers are employed in a range of operations outside traditional areas. Plastics, polymers, and synthetic fibres involve chemical-reaction engineering problems in their manufacture, with fluid flow and heat transfer considerations dominating their fabrication. The dyeing of a fibre is a mass-transfer problem. Pulp and paper manufacture involve considerations of fluid flow and heat transfer. While the scale and materials are different, these against are found in modern continuous production of foodstuffs. The Pharmaceuticals industry presents chemical engineering problems, the solutions of which have been essential to the availability of modern drugs. The nuclear industry makes similar demands on the chemical engineer, particularly for fuel manufacture and reprocessing. Chemical engineers are involved in many sectors of the metals processing industry, which extends from steel manufacture to separation of rare metals.

Further applications of chemical engineering are found the fuel industries. - In the second half of the 20th century, considerable numbers of chemical engineers have been involved in space exploration, from the design of fuel cells to the manufacture of propellants. Looking to the future, it is probable that chemical

engineering will provide the solution to at least two of the world's major problems; supply of adequate fresh water in all regions through desalination of sea water and environmental control through prevention of pollution.

Pulp and paper manufacture involve considerations of fluid flow and heat transfer. While the scale and materials are different, these again are found in modern continuous production of foodstuffs. Thus, production of foodstuffs involving aforesaid process is also one of the branches of chemical engineering.

Food engineering is a multi-disciplinary program which combines science, microbiology, and engineering education for food and related industries. Food engineering includes, but is not limited to the application of agricultural engineering and chemical engineering principles to food materials. Food engineering include companies involved in food processing, food machinery, packaging, ingredient manufacturing, instrumentation and control. Firms that design and build food processing plants, consulting firms, Government agencies, pharmaceutical, and health-care firms also hire food engineers. Among its domain of knowledge and action are, research and development of new foods, biological and pharmaceutical products, development and operation of manufacturing, packaging and distributing systems for drug/food products, design and installation of food/biological/pharmaceutical production processes, design and operation of environmentally responsible waste treatment systems, marketing and technical support for manufacturing plants.

Computational Fluid Dynamics (CFD) concept has also been developed in food processing which involves use of CFD for gaining a qualitative and quantitative assessment of the performance of processes involving heat and mass transfer.

Contemporary Food Engineering, a book series published by CRC Press/Taylor & Francies attempts to address some of the recent developments in food engineering. Advances in classical unit operations in engineering applied to food manufacturing are covered as well as such topics as progresses in the transport and storage of liquid and solid foods; heating, chilling and freezing of foods; mass transfer in foods; chemical and biochemical aspects of food engineering and the use of kinetic analysis; dehydration, thermal processing, non-thermal processing, extraction, liquid food concentration, membrane processes and applications of membranes in food processing; shelf-life, electronic indicators in inventory management, and sustainable technologies in food processing; and packaging, cleaning, and sanitation. The book aims at professional food scientists, academics researching food engineering problems. The book treats the food engineering as a part of the engineering. Food engineering research includes engineering principles in fluid dynamics and heat transfer, and applying those principles to applications in food processing and packaging.

The Chemical Engineering, as defined in the Wikipedia, the free encyclopedia, is the branch of engineering that deals with the application of physical science (e.g. chemistry and physics), with mathematics, to the process of converting raw

material or chemicals into more useful forms. In addition to producing useful materials, modern chemical engineering is also concerned with pioneering valuable new materials and techniques? such as nanotechnology, fuel cells and biomedical engineering. Chemical engineering largely involves the design and maintenance of chemical processes for large-scale manufacture. Chemical engineers in this branch are usually employed under the title of process engineer, a related term with a wider definition is chemical technology.

Thus, we cannot confine the engineering to be an industry which produces plants and machinery, as submitted by the learned Senior Counsel appearing on behalf of the petitioner industry.

In *Bharat Chand v. State of M.P.* (supra), has dealt with the word "engineering" thus:

Understanding the meaning of the word "engineering" on the basis of the dictionaries and encyclopedia, which convey its popular meaning, we have to determine whether Public Health Engineering Department of the State is covered by the entry "engineering". In this case, the Industrial Court had remanded the matter to the Labour Court for holding an enquiry into the nature of industry 1carried on in the Public Health Engineering Department where the petitioner was employed. From the evidence led by parties, it is not disputed that amongst one of its essential functions, the department is engaged in supply of water to public. For this purpose, the department sometimes builds dams, water reservoirs, dig wells and tube-wells and lay pipelines for supply and distribution of water. Whether the above activities undertaking by the Public Health Engineering Department make it an engineering industry. In the opinion of learned Member of the Industrial Court, the entry read in the context of other entries of the Schedule is relatable to such industries in which some manufacturing activity is carried on, resulting into production of goods. Prima facie, the expression "engineering" cannot be restricted to convey description of such industries engaged in manufacturing of engineering goods. It is true that in construing the entry, aid can be taken from the other entries in the Schedule.

The learned Member of the Industrial Court in holding that the expression "engineering" would not include Public Health Engineering Department, appears to have been influenced mainly by consideration that the specification of industries or undertakings in various entries of the Schedule e.g., textile, iron and steel, electrical goods, sugar and its products, rice mills, oil mills, potteries, cement, lime and so on is with reference to the manufactured products in them and hence, the entry "engineering" has to be construed likewise.

The second reasoning of the learned Member of the Industrial Court is that the expression "engineering" in association with the words used in the said entry and other entries of the Schedule denotes industries engaged in manufacture of machines and is to be understood as "Yantra Udyog". We do not find any justification to restrict the meaning of expression "engineering" to only industries

engaged in manufacture of machines. As has been explained above, on the basis of dictionary meaning of the expression "engineering", it includes all activities involving practical use of science in machines and structures. Industries engaged in civil engineering activities, such as, construction of buildings, dams, mines, bridges and other civil works prima facie seems to be covered by the expression "engineering". Public Health Engineering Department, whose essential function is to build reservoir, dams, canals, dig well for maintaining supply and distribution of water to the public, cannot be held to be excluded from the said entry "engineering".

The word "include" has been considered in Para 17 thus:

17. Generally the word "include" is used in order to enlarge the meaning of words or phrases occurring in the body of the statute. In the other words, the word in respect of which "includes" is used bears both its extended statutory meaning and its ordinary, popular and natural sense whenever that would be properly applicable. (See Maxwell on "The Interpretation of Statutes", Twelfth Edition at Page 270). An interpretation clause, which extends the meaning of a word by use of word "includes", does not take away its ordinary meaning. "An interpretation Clause of this kind is not meant to prevent the word receiving its ordinary, popular and natural sense whenever that would be properly applicable, but to enable the word as used in the Act, when there is nothing in the context or the subjectmatter to the contrary, to be applied to something to which it would not ordinarily be applicable". Sometimes a term is defined in an interpretation Clause merely ex abundanti cautela that is to say, to prevent the possibility of some incident or something relating to the term escaping notice. (See Craies on "Statutes Law, Seventh Edition, at Pages 214 and 215). Thus, it would be seen that an interpretation clause, which extends the meaning of a word does not take away its ordinary meaning. The expression "including manufacture of motor vehicles" which follows the expression "including manufacture of motor vehicles" which follows the expression "engineering", does appear to be introduced by way of only abundant caution so that industries like automobile industries are not deemed to be excluded from the ambit of the expression "engineering".

The Apex Court in D.N. Banerji Vs. P.R. Mukherjee and Others, , has laid down that industry includes within its scope what might not strictly be called trade or business. In considering the meaning of these terms, background of social structure in industrial evolution has to be taken into account. The Apex Court in the The State of Bombay and Others Vs. The Hospital Mazdoor Sabha and Others, , has laid down that words used in an inclusive definition denote extension and cannot be treated as restricted in any sense. Where the Courts are dealing with an inclusive definition it would be inappropriate to put a restrictive interpretation upon terms of wider denotation.

We are unable to accept the submissions that we should restrict the meaning of engineering in the instant case to such products like motor vehicle.

In *M.P. State Seeds & Farm Development Corporation v. Virendra Kumar Shrivastava* (supra), the processing of seeds has also been held to be an engineering device covered under Entry 16 "engineering", this Court held thus:

11. Now the "engineering" is being used in agriculture also. Agricultural engineering is a subject which is taught to the students of agricultural science. "Processing of seeds" is also an "engineering" device. The quality seeds are being produced through the art and science of engineering. There is introduction of engineering in the research and development. In seeds production the machines are being used for the development and processing of seeds and plants. A wide variety of activity is now covered by engineering, computer engineering and electronic engineering are the latest subjects. Therefore, agricultural engineering by which seeds are produced, processed and developed is also an engineering device. Therefore, the Labour Court has rightly held that the activities and business of the non-applicant Corporation are covered by Item No. 16 "engineering" in the above notification.

We have no iota of doubt from the aforesaid discussion that food processing is also a process of engineering and industry is covered within the Entry 16, still we deem it appropriate to refer to the statement of A, Purushottam. He has stated that Soyabean used to be converted into the milk in Godrej Foods, beside the pulp of mango, orange, pineapples are diluted and drinks are prepared, which are sold as commodity in the market. Tomato Ketchup is also prepared, there were 16 departments which included engineering, petraback laboratory, trepack, process, ETP water treatment, loading unloading. There were plants and several mechanical and electricals engineers work in the industry. In the process of chilling also, in one shift, 25 labours used to work and there used to be three shifts. There were various other sections in which large number of persons used to work. We also deem it appropriate to refer to the statement of A.L. Gupta, examined on behalf of the Management. He has stated that food drinks are manufactured in the industry. The pulp is put in the machines and then the product is packed, machines have to be operated by the technicians, they are not producing any engineering products, they just do the work of food processing for which licence has been obtained. He has admitted that Exhs. D-2 to D-13 are the documents of maintenance of engineering department. There is laboratory also. There are electricians and facilities of water treatment also. 250 employees were working.

It is apparent from the above statement that food product involves engineering process.

Shri Ajay Mishra, learned Senior Counsel appearing for petitioner has placed reliance on a decision of this Court in *R.N. Mishra, Employee of Burn and Co. v. The Works Manager, Burn and Co. Ltd., Refractory and Ceramic Works, P.O. Niwar 1966 MPLJ 601*, in which it was held that the term "potteries", as used in the Schedule to the notification issued on 31st December, 1960 u/s 1(3) of the M.P. Industrial Relations Act, does not include a "refractory" engaged in the

manufacture of fire-bricks. The Act would not apply to Refractory and Ceramic Works, which is engaged in the manufacture of fire-bricks. The Labour Court will have no jurisdiction to entertain and decide an application under Sections 61(1) (A) and (C) and 80 of the Act for a declaration that the employees of the Company had gone on an illegal strike. This Court has held in Para 3 thus:

3. The sole question that arises for determination in this case is whether the Burn and Co. Ltd. "Refractory and Ceramic Works", Niwar, of which the respondent is the Works Manager and which is admittedly engaged only in the manufacture of fire-bricks, is an undertaking in the "Potteries" industry. The answer to the question depends on the meaning to be given to the word "potteries", as used in the Schedule to the notification dated the 31st December, 1960 issued u/s 1(3) of the Act. The question of the denotation of the term "potteries" has to be determined bearing in mind the settled rules regarding construction of words and terms and used in a statute, and not with reference to technical books or dictionaries alone ignoring the rules of construction. The first rule is that general statutes will prima facie be presumed to use words in their popular sense. As stated by Lord Tenterden in *Att. Gen. v. Winstaploy* (1), "the words of an Act of Parliament which are not applied to any particular science or art" are to be construed "as they are understood in common language". In *"The Fusilier"* (2), Dr. Lushington said-

One of the rules of construing statutes, and a wise rule too, was that they shall be *uti loquitur Vulgus*, that is, according to the common understanding and acceptance of the terms.

As stated in *"Craies on Statute Law"* (6th Edn. at. p. 162), "Critical refinements and subtle distinctions are to be avoided, and the obvious and popular meaning of the language should, as a general rule, be followed". The other rule is that if an Act is one dealing with a particular trade, business or transaction, in which they are terms which everybody conversant with those matters understands to have a particular meaning, then the words used in that Act must be construed as having that particular meaning which may differ from the ordinary or popular meaning. This rule has been stated in *"Craies on Statute Law"* at page 164. In *"Maxwell on Interpretation of Statutes"* (11th Edn.) it has been stated at Page 3 that-

The first and most elementary rule of construction is that it is to be assumed that the words and phrases of technical legislation are used in their technical meaning if they have acquired one, and, otherwise, in their ordinary meaning.

A reference to technical books may no doubt be made for understanding the meaning of technical terms. But in construing a statute not dealing with a particular trade or business or a technical matter, but of a general application, evidence to inform the Court as to the existence of a technical meaning of ordinary words is inadmissible (see *"Maxwell on Interpretation of Statutes"* p. 32). The purpose and subject-matter of a statute necessarily determine and

control the meaning of the words used in it and consequently the words should be construed so as to best attain the purposes of the statute. There is also another rule that when a word is capable of being construed either in its popular sense or as a word of art, it is for those who assert that it is used in a technical and not in a popular sense to establish the fact See: Inland Revenue Commissioner v. Gribble (3).

This Court has clearly laid down that the word should be construed so as to best attain the purposes of the statute. Following the aforesaid principles laid down by the Division Bench of this Court, we are of the opinion that so as to subserve the purposes of the Act. Popular meaning of engineering cannot be confined to products like motor vehicles in Entry 16 of engineering. We cannot confine engineering to the production of machines. Engineering is part of various process under production of foodstuff, which is well recognized part of chemical engineering. The expression "including manufacture of motor vehicles" has been added so that industry like automobile industry are not taken to be excluded from the entry engineering. Reliance has also been placed by petitioner on a decision of this Court in Jamul Cement Works, Jamul v. President, State Industrial Court, M.P. 1968 MPLJ 95, in which it was laid down that the employment of workers engaged in construction work of cement factory is not covered by term "cement" occurring in Notification u/s 6(1) of the Act. Provisions of the Act have no applicability to the employment of such workers. The factory was producing the cement, the construction work of cement factory was held to be independent work. However, in the instant case employees were involved in the primary work of food processing. This Court held that the word cement means cement manufacturing industry and activities or operations incidental to the main industry of manufacturing cement. Thus, the decision is of no help, each entry has to be considered on its own. The decision rather counters the submission made on behalf of the petitioner as employees are involved in the main operation in the instant case.

In Bhopal Tanneries and Glue Works v. Bhopal Tanneries and Glue Workers Union and Anr. 1979 J LJ 515, a Division Bench of this Court has laid down that "Gelatine industry" as included in the Schedule to the Notification should, therefore, be understood in a limited sense and not in a wider sense. Gelatine is principally a protein food and is edible, and in pharmacy its most important use is in the manufacture of capsules; glue on the other hand, is commonly used as an adhesive.

In the aforesaid decision, there was difference found in gelatine and glue, thus the glue was held not to be in Gelatine industry but in the instant case process involves engineering, consequently activity is covered under Entry No. 16.

Counsel has also relied upon the decision of Apex Court in University of Delhi and Another Vs. Ram Nath, , in which it has been laid down that teachers have been excluded from I.D. Act since their exclusion indicates that education is not within its scope.

Shri Ajay Mishra, learned Sr. Counsel has also relied on the Fruit Products Order, 1955 issued under Essential Commodities Act, 1955. Clause 2(a) deals with the Fruit Products thus:

(d) "Fruit Products" means any of the following articles, namely:

(i) Synthetic beverages, syrups and Sharbats;

(ii) Vinegar, whether brewed or synthetic;

(iii) Pickles;

(iv) Dehydrated fruits and vegetables;

(v) Squashes, crushes, cordials, barley water, barreled juice and ready-to-serve beverage, fruit nectar or any other beverages containing fruit juices or fruit pulp;

(vi) Jams, jellies and marmalades;

(vii) Tomato products, ketchup and sauces;

(viii) Preserves, candied and crystallized fruits and peels;

(ix) Chutneys;

(x) Canned and bottled fruits, juices and pulp;

(xi) Canned and bottled vegetables; , (xii) Frozen fruits and vegetables;

(xiii) Sweetened aerated waters with or without fruit juice or fruit pulp;

(xiv) Fruit cereal flakes;

(xv) Any other unspecified items relating to fruits or vegetables. Clause d(v) deals with the Squashes, crushes, cordials, barley water, barreled juice and ready-to-serve beverage, fruit nectar or any other beverages containing fruit juices or fruit pulp. The Fruit Products Order defines the manufacturer, control activity of such manufacture provide for licence etc.

Merely by the aforesaid definition of Fruit Products, it cannot be held that there is exclusion of the food processing industry from the purview of MPIR Act. The Fruit Product Order as well as the Act can operate simultaneously.

Counsel for petitioner has also relied upon the Industries (Development and Regulation) Act, 1951, in the First Schedule of which different industries have been mentioned. Counsel has emphasized that food processing industry has been separately defined in Entry 27. Thus, taking the clue from the aforesaid Act, we should hold that food processing industry is out of expression engineering. In our opinion, Industries (Development and Regulation) Act, 1951 entries cannot be relevant for interpreting the entries of the M.P. Industrial Relations Act. Industries (Development and Regulation) Act, 1951, cannot control the expression engineering which finds place in Entry 16 of Schedule of MPIR Act.

In view of the aforesaid discussion, we are of the opinion that, petitioner industry is covered within the ambit of the Entry 16 of Schedule of MPIR Act, 1960. Consequently, provision of the MPIR Act are applicable to it. The Industrial Court has rightly remitted the case to Labour Court for adjudication on merits. Writ petitions are devoid of merit, deserves to be dismissed, same are hereby dismissed. No costs.