

(1967) 12 MAD CK 0012
In the Madras High Court

Madras Bolts and Nuts (Private), Ltd.	Vs	APPELLANT
Labour Court and Another		RESPONDENT

Date of Decision : 19-12-1967

Acts Referred:

Industrial Disputes Act, 1947 — Section 10

Citation : (1968) 2 LLJ 797 : (1968) 81 LW 306

Hon'ble Judges : P. Ramakrishnan, J

Bench : Single Bench

Judgement

P. Ramakrishnan, J.—The State of Pondicherry made a reference u/s 10 of the Industrial Disputes Act, 1947, to the labour court on the

following points for adjudication:

(1) Whether the closure of the factory, viz., the Madras Bolts and Nuts (Private), Ltd., Muthialpet, Pondicherry, is justified, and

(2) if so, to what relief the workers are entitled and to compute the relief, if any, awarded in terms of money.

The concerned notification of the Government states that the workers of the concern were represented by the Indian National Trade Union

Congress.

2. When the reference came up before the labour court at Pondicherry for adjudication, a preliminary objection was raised by the management that

the reference was not valid on account of several reasons, all of which were rejected by the lower Court, except one objection about the capacity

of one M.J. Vincent to represent the workers before the labour court. All other points by way of preliminary objection were held against the

management and in favour of the workers. This writ petition is filed by the

management and it is urged on its behalf by its counsel that the finding of the labour court on one of the preliminary points about the representative character of the Indian National Trade Union Congress to represent the workers is not correct. Consequently, the reference made by the Government u/s 10 of the Industrial Disputes Act, based on the improper representation of the Indian National Trade Union Congress on behalf of the workers, must be considered to be invalid.

3. I am of the opinion that this objection will have very little substance after the matter has come before the labour court, and there is no dispute at

all that the issue raised for decision affects not an individual worker, but a large number of workers. In fact, according to the notice which the

management itself served on the workers at the time of the alleged closure, seventeen workers were referred to as permanent workers. It is these

workers who have raised the objection that there was no occasion for a closure of the concern in the present case and this dispute is covered by

the first point for adjudication. The several decisions which the learned Counsel for the petitioner referred to, dealing with the question whether

there has been proper sponsoring by a union of a dispute, to give it a collective character, are cases where the dispute prima facie affected an

individual workman. For example, in *The Bombay Union of Journalists and Others Vs. The "Hindu", Bombay and Another*, the Supreme Court

has more than once made mention of the fact that the dispute in that particular case was prima facie an individual dispute. It was in such

circumstance the Supreme Court observed that in order that such a dispute might become an industrial dispute it had to be established that it had

been taken up by the union of employees of the "Hindu", Bombay, or by an appreciable number of employees of the "Hindu", Bombay. In the

present case, as mentioned already, the dispute clearly affected a number of workmen, and there was no question of its being an individual dispute

which had to be considered as a collective dispute by reason of the fact that there has been a sponsoring of the dispute affecting an individual by a

representative body of the employees of the concern. That apart, in the present case, the order of the labour court has referred to certain

correspondence that passed between the management and the various labour unions which show that as late as 28 October 1964, shortly before

the notification, the management addressed a letter to the President of the Indian National Trade Union Congress with a copy of the letter to the

Workers' National Trade Union on a matter relating to the claim of bonus for the workers of this particular management. It is clear from the date

that afforded that both the Workers' National Trade Union and the Indian National Trade Union Congress had been sponsoring the cause of the

workers of this concern. It is, by such sponsoring of their cause, that the matter came before the State Government and which led to the reference

u/s 10. The dispute that has thus come before the labour court appears from its very inception to be a dispute affecting a large number of workers

of the petitioner management. In such circumstances, there can be no valid objection to the reference by the Government because the dispute was

clearly of a collective character.

4. The writ petition is, therefore, dismissed with costs.

5. Advocate's fee Rs. 150.