
(2001) 03 SC CK 0038

In the Supreme Court Of India

Case No : Civil Appeal 4479 and 4502 of 1999

Manipal Power Press

APPELLANT

Vs

Workmen of Manipal Power Press and Others

RESPONDENT

Date of Decision : 15-03-2001

Acts Referred:

Industrial Disputes Act, 1947 — Section 10, 33A

Citation : (2001) 2 LLJ 232

Hon'ble Judges : S. Rajendra Babu, J; S. N. Variava, J

Bench : Division Bench

Final Decision : Disposed Off

Judgement

1. A reference was made to the Industrial Tribunal u/s 10 of the Industrial Disputes Act (for short the "Act") on the following question:

"(1) Are the 64 workmen as detailed in the Annexure appended to this Government Order working in the Manipal Power Press, Manipal represented by the Manipal Printers and Publishers Employees Association, Udupi justified in demanding that they should also be considered as employees (Newspaper employees) of the Manipal Publishers and Printers (Private) Limited, Manipal from the date of their appointments with all consequential benefits arising out of various Wage Board recommendations and Awards for Journalists;

(2) If not, to what other relief these employees are entitled to."

2. A complaint was made u/s 33A of the Act stating that during pendency of that industrial dispute referred u/s 10 their conditions of service have been altered by transferring from the composing section and job work section to the binding section and changing from night shift to day shift with a view to deprive the workmen of all the benefits of the Bachawat Award.

3. The Tribunal examined the matter and set aside the order of transfer made by the appellant and directed to post the said workmen back to the composing

section. Aggrieved by that award a writ petition was preferred before the High Court unsuccessfully. Contention has been raised by the appellant that it had not been 1 made a party to the industrial dispute that had been referred to the Tribunal.

4. Inasmuch as an award has now been passed on the reference made u/s 10 of the Act and the rights of the parties are governed therein and the order made by the Tribunal in the complaint arising u/s 33A of the Act was only in respect of a complaint of change of conditions of service by transferring from one section to another section and that action having been set aside, we do not think any useful purpose will be served by examining the various contentions raised by the parties. The appeals shall stand disposed of noticing this position. It is needless to say that it is open to the parties to urge any of the legal contentions that are available to them in any appropriate forum.