

(1982) 07 KAR CK 0005
In the Karnataka High Court
Case No : W.A. No. 1309 of 1982

Mico Employees" Assn.

APPELLANT

Vs

State of Karnataka

RESPONDENT

Date of Decision : 13-07-1982

Acts Referred:

Constitution of India, 1950 — Article 226
Industrial Disputes Act, 1947 — Section 12 (3)

Citation : (1986) ILR (Kar) 3522

Hon'ble Judges : Chandrasekhar, C.J.;Venkatachala, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Chandrasekhar, C.J.

This is an appeal from the order of Bopanna, J., dismissing W. P. No. 20435 of 1981. The petitioners therein have presented this appeal. For the sake of convenience, they will hereinafter be referred to as the petitioners.

In the Writ Petition, the petitioners had impugned the settlement u/s 12(3) of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act) catered into between the management of the Motor Industries Co , Ltd., (hereinafter referred to as the Management) and the MICO Employees Association. The petitioners had prayed for quashing the settlement which has been produced as Annexure-A to the Writ Petition and to declare that such settlement was not a settlement u/s 12(3) of the Act and could not prevent the petitioners or other workmen employed by the Management from raising any industrial dispute in respect of or in any matters covered by the settlement agreed to by the Management but given up by the impugned settlement and also those not covered by the impugned settlement, during the currency of the settlement.

The learned single Judge held that the impugned settlement did not satisfy the requirements of Section 12(3) of the Act. However, he declined to quash the

impugned settlement and to grant the declaration sought for. The reasoning given by him reads thus :

"Though the settlement in question is not a settlement in the course of conciliation, it is a settlement between the Management and the majority of the workmen and hence unless it is shown that the terms of the settlement are onerous and against the interests of the majority of workmen, it will not be proper for this Court to exercise its jurisdiction under Article 226 of the Constitution. I am satisfied from the material on record that a good majority of the workmen have taken the benefits under the settlement and thereafter resumed normal production and maintained industrial peace for the achievement of which the Management had negotiated with respondent-5 and brought about the settlement."

In *State of Madras Vs. C.P. Sarathy and Another*, the Supreme Court observed thus :

"In view of the increasing complexity of modern life and the interdependence of the various sectors of a planned national economy, it is obviously in the interest of the public that labour disputes should be peacefully and quickly settled within the frame-work of the Act rather than by resort to methods of direct action which are only too well calculated to disturb the public peace and order and diminish production in the country, and Courts should not be astute to discover formal defects and technical flaws to overthrow such settlements."

(underlining is ours)

In *Sangram Singh Vs. Election Tribunal, Kotah, Bhurey Lal Baya*, the Supreme Court observed thus :

"That, however, is not to say that the jurisdiction will be exercised whenever there is an error of law. The High Courts do not and should not, act as Courts of appeal under Article 226. Their powers are purely discretionary and though no limits can be placed upon that discretion it must be exercised along recognised lines and not arbitrarily ; and one of the limitations imposed by the Courts on themselves is that they will not exercise jurisdiction in this class of cases unless substantial injustice has ensued, or is likely to ensue They will not allow themselves to be turned into Courts of appeal or revision to set right mere errors of law which do not occasion injustice in a broad and general sense....."

The view taken by the learned single Judge is in accordance with the aforesaid two rulings of the Supreme Court.

In the result, we do not admit this appeal, but dismiss it.