
(1995) 08 SC CK 0091

In the Supreme Court Of India

Case No : Civil Appeal No's. 8058-60 of 1995

Morinda Co-op. Sugar Mills Ltd.

APPELLANT

Vs

Ram Krishan and others etc.

RESPONDENT

Date of Decision : 25-08-1995

Acts Referred:

Industrial Disputes Act, 1947 — Section 2, 25F

Citation : AIR 1996 SC 332 : AIR 1995 SC 332 : (1995) 71 FLR 822 : (1995) 6 JT 547 : (1996) 1 LLJ 870 : (1996) 1 MLJ 42 : (1995) 5 SCALE 198 : (1995) 5 SCC 653 : (1995) 3 SCR 85 Supp : (1995) 2 UJ 742 : (1996) 1 UPLBEC 606

Hon'ble Judges : K. Ramaswamy, J;B. L. Hansaria, J

Bench : Division Bench

Advocate : N.D. garg, for the Appellant; S. K. Verma, for the Respondent

Final Decision : Allowed

Judgement

1. Leave granted.

2. We have heard the counsel on both sides. The Labour Court and the High Court in the impugned judgment dated July 29, 1994 made in CWP Nos. 10033-35 of 1994 concluded that since the respondents had worked for more than 240 days in a year, they were retrenched workmen within the meaning of Section 2(oo) of Industries Dispute Act, 1947 (for short, 'the Act') Consequently, requirements of Section 25F of the Act need to be satisfied but it was not done. So, held that the retrenchment is void and consequently reinstatement of the respondents was directed. Thus, this appeal by special leave.

3. When we directed the appellants to furnish the crushing seasons in which the factory worked, they filed additional affidavit and for the years 1987-88 to 1993-94, crushing seasons were given as follows :

4. It would thus be clear that the respondents were not working throughout the season. They worked during crushing seasons only. The respondents were taken into work for the season and consequent to closure of the season, they ceased to

work.

5. The question is whether such a cessation would amount to retrenchment. Since it is only a seasonal work, the respondents cannot be said to have been retrenched in view of what is stated in Clause (bb) of Section 2(oo) of the Act. Under these circumstances, we are of the opinion that the view taken by the labour Court and the High Court is illegal. However, the appellant is directed to maintain a register for all workmen engaged during the seasons enumerated hereinbefore and when the new season starts the appellant should make a publication in neighbouring places in which the respondents normally live and if they would report for duty, the appellant would engage them in accordance with seniority and exigency of work.

6. The appeals are accordingly allowed but, in the circumstances, without costs.