
(2019) 01 SC CK 0336

In the Supreme Court Of India

Case No : Civil Appeal No. 1129, 1130 Of 2019

Sanjay Geoffrey

APPELLANT

Vs

Alembic Pharmaceutical Ltd. & Anr

RESPONDENT

Date of Decision : 25-01-2019

Acts Referred:

Sales Promotion Employees (Conditions of Service) Act, 1976 — Section 1(4), 6(2)

Citation : (2019) 01 SC CK 0336

Hon'ble Judges : Arun Mishra, J;Navin Sinha, J

Bench : Division Bench

Advocate : Vishal Malik, Baljeet Rathi, K. S. Rana, Gopal Singh, Manish Kumar, Shivam Singh

Final Decision : Partly Allowed

Judgement

1. Delay condoned. Leave granted.

2. These appeals arise out of the final Judgment and Order dated 22.01.2015 passed by the High Court of Judicature at Allahabad in C.M. W.P.No. 1925 of 2015 and order dated 31.07.2015 in Review/Recall Application No. 60832 of 2015 in C.M.W.P.No. 1925 of 2015, whereby the High Court has quashed the award passed by the Labour Court in favour of the appellant herein.

3. The brief facts of this case are as follows :-The appellant was appointed as a trainee Medical Representative on 03.09.2001 in Respondent No. 1 - company. Allegedly, the appellant was discharged from service on 04.11.2010 without assigning any sufficient reasons and without serving him any show cause notice and without giving any opportunity of hearing.

4. The dispute was raised before the Labour Court, Jhansi. The Labour Court, by its order dated 14.03.2014, held that a conspiracy was hatched to transfer the appellant herein from Jhansi to Aligarh and that Respondent No. 1 adopted unfair labour practice. The Labour Court found the order passed by the company to be non-maintainable and, therefore, ordered the company to pay the allowance of

the appellant from the date of discharge without any break in service.

5. Being aggrieved, Respondent No. 1 - company filed a writ petition before the High Court seeking quashing the award passed by the Labour Court in favour of the appellant. The High Court held that the Labour Court had no jurisdiction to pass the award since as per Section 1(4) read with Section 6(2) of the Sales Promotion Employees (Conditions of Service) Act, 1976, the proceedings could have been initiated only under the Industrial Disputes Act, 1947 (14 of 1947) and not under the U.P. Industrial Disputes Act, 1947. Hence, the High Court, by the impugned order dated 22.01.2015, set aside the award passed by the Labour Court dated 14.03.2014.

6. Being aggrieved, the appellant filed a review application before the High Court, which has also been dismissed. Hence, the appellant is before this Court in the instant appeals, by way of special leave.

7. We have heard Mr. Vishal Malik, learned counsel, along with Mr. K.S.Rana, Advocate-on-Record appearing for the appellant and Mr. Gopal Singh, learned counsel appearing for Respondent No. 1 and perused the other materials on record.

8. To cut short the litigation and dragging the matter from one court to another on the ground of jurisdiction, we have heard the matter finally and find it appropriate that since the appellant has already served more than nine years of service in Respondent No. 1 - company, in case the compensation of Rs. 5,00,000/- (Rupees Five Lakhs) in addition is paid to the appellant-workman, that will take care of all the claims of the appellant raised in the matter or to be raised with respect to employment. Ordered accordingly.

9. Accordingly, Respondent No. 1 - company is directed to pay an amount of Rs. 5,00,000/- (Rupees Five Lakhs) to the appellant - workman within a period of two months from today. The impugned order(s) is/are set aside. The appeals are partly allowed to the aforesaid extent.