
(1976) 01 SC CK 0002

In the Supreme Court Of India

Case No : Civil Appeal No. 1540 (NL) of 1970

Tarzan Hosiery (P) Ltd.

APPELLANT

Vs

Their Workmen

RESPONDENT

Date of Decision : 06-01-1976

Acts Referred:

Citation : AIR 1977 SC 2195 : (1977) 35 FLR 244 : (1977) LabIC 1535 : (1977) 4 SCC 606

Hon'ble Judges : V. R. Krishna Iyer, J;N. L. Untwalia, J;A. C. Gupta, J

Bench : Full Bench

Final Decision : Disposed Of

Judgement

V.R. Krishna Iyer. J.

1. This appeal by special leave is aimed at the validity of an award dated January 23, 1970 made by the Industrial Tribunal (II) at Lucknow According to the Management it had two factories one at Calcutta and the other at Kanpur. The subject-matter of this appeal relates to the Kanpur factory which had on its muster rolls twenty eight workmen. This factory was closed according to the agement's case, after payment of closure compensation in terms of the provisions of the Industrial Disputes Act. Seventeen workmen received the compensation but eleven did not. Out of this latter category, one is no more and the remaining ten disputed the case of closure and contended that it was a make believe. The State Government made a reference of the dispute which thus arose between the workmen and the Management to the Industrial Tribunal. The award of the Tribunal was to the effect that there was no bona fide closure of the factory and that the workmen were entitled to be reinstated. Against these two directions, the appeal has been filed.

2. After having heard counsel for the appellant at some length, and on certain suggestions made by the Court, the parties have come to a settlement aided by the statesman like advice of counsel on both sides. We appreciate the services of

counsel in this behalf and proceed to record the terms of the settlement.

3. The appellant undertakes to deposit into Court within one month from to-day Rs. 20,000/- on the basis of Rs. 2,000/- per worker. This will be in addition to the payment directed by this Court at the time the special leave was granted. which counsel for the appellant says, has already been paid. On deposit this sum will be withdrawn by the ten workers whose names are as under :1 Ram Chandra : 2. Madan Gopal; 3. Bishamber Dass 4. Ujagar Singh : 5. Tara Singh : 6. Babu Lal : 7. Ram Niwas : 8. Ram Sumer Singh; 9. Ganga Ram : 10. Gauri Shankar.

4. The appellant agrees that if the ten workers individually or as a co-operative society manufacture knitted goods or knitted fabrics he will buy them from them in preference to other manufacturers provided the fabrics are of reasonable quality required by him and are sold at prices prevailing in the market at the time and to the extent required by him for his business : that is to say. he will not buy : from outsiders for the same price knitted fabrics of the same quality without giving the first offer to the ten workmen aforesaid. This agreement will enure for 16 months from today.

5. As a matter of grace the appellant agrees to deposit into court the costs of the respondents in this appeal.

6. The appeal is disposed of in the above terms.