

(1993) 08 SC CK 0073

In the Supreme Court Of India

Case No : Civil Appeal No. 570 Of 1988

Tirumala Tirupati Devasthanam

APPELLANT

Vs

Govt. of A.P. and Others

RESPONDENT

Date of Decision : 19-08-1993

Acts Referred:

Citation : (1995) 3 SCC 654 Supp

Hon'ble Judges : Yogeshwar Dayal, J; P. B. Sawant, J

Bench : Division Bench

Final Decision : Allowed

Judgement

1. PURSUANT to the High court's decision in W.P. No. 840 of 1976 and 1866 of 1986, the Power and Water Wings of the appellant Devasthanam were held to be an industry in these proceedings as well as the High court dismissed the present Writ Petition No. 6622 of 1982 and the Writ Appeal No. 1230 of 1989 before it. We have today dismissed Civil No. 2255 of 1977" holding that the workmen engaged in the said two wings were entitled to get their Union registered under the Trade Unions Act, 1926 irrespective of whether the said wings were an industry or not. The question whether the wings in question were an industry or not did not fall for consideration there while deciding whether the appellant could apply for the cancellation of the Union registered under the Act. We have, therefore, held that the findings recorded on the said issue by the High Court in the said Writ Petitions Nos. 840 of 1976 and 1866 of 1986 was uncalled for. We have also kept the said question open.

2. The High court in the present case has upheld the reference of the industrial dispute made by the State government on the ground that it had held the said two wings to be an industry in the said earlier writ petitions. Admittedly, the finding in question was given by the High court for the purposes of upholding the validity of the registration of the Union under the Trade Unions Act. We have pointed out, while dismissing the appeals against the decision in the said writ petitions, that the question did not arise even for the limited purpose under that

Act. The finding given under that Act and for the purpose in question which did not warrant it, cannot, therefore, be relied upon for disposing of the present writ petition. We, therefore, set aside the decision both of the learned Single Judge and the division bench of the High court and remand the matter to the learned Single Judge for deciding the question as to whether the two wings in question are an industry within the meaning of the Industrial Disputes Act, 1947 for the purposes of examining the validity of the reference made. The appeal is allowed accordingly with no order as to costs.