
(1988) 08 SC CK 0019

In the Supreme Court Of India

Case No : C.A. No. 1204 of 1981with Special Leave Petition (Civil) No"s.
9588/84 and 12097/85

V.K. Thomas and Others

APPELLANT

Vs

Industrial Tribunal and Others

RESPONDENT

Date of Decision : 31-08-1988

Acts Referred:

Uttar Pradesh Industrial Disputes Act, 1947 — Section 6(4)

Citation : (1989) 58 FLR 141 : (1989) 1 JT 18 : (1994) 3 LLJ 253

Hon'ble Judges : E. S. Venkataramiah, J;D. N. Ojha, J

Bench : Division Bench

Final Decision : Disposed Of

Judgement

E.S. Venkataramiah, J.—In view of our decision in B.B. Rajwanshi Vs. State of U.P. and Ors, , in which we have struck down Section 6(4) of the U.P. Industrial Disputes Act, 1947, the order made by the Governor of the State of Uttar Pradesh on June 28, 1977 returning the award made in Adjudication Cases No. 24 and 27 of 1973 on the file of the Industrial Tribunal (V) Uttar Pradesh, Meerut u/s 6(4) of the U.P. Industrial Disputes Act, 1947 for reconsideration of the Tribunal is liable to be quashed. We, accordingly, quash it. Consequently, all the proceedings that have taken place before the Industrial Tribunal subsequent to June 28, 1977 culminating in the Award dated November 24, 1980 against which this appeal is filed are also liable to be set aside and, therefore, we quash them also.

2. We direct the State Government of Uttar Pradesh to publish the Award dated April 16, 1977 passed in Adjudication Cases No. 24 and 27 of 1973 on the file of the Industrial Tribunal (V) Uttar Pradesh at Meerut u/s 6(3) of the UP. Industrial Disputes Act, 1947 in the Official Gazette of U.P. within one month from today.

3. Mr. Gopal Subramaniam, learned Counsel for the respondents submits that there have been settlements between the workmen and the Management as regards the dispute covered by the Award which is now directed to be published

subsequent to the date on which it was made. The appellants do not admit that there are any such valid or enforceable settlements. We express no opinion either on the existence or the validity of the alleged settlements which may have been entered into between the parties. We leave this contention open.

4. The appeal is disposed of accordingly.

Special Leave Petition (Civil) Nos. 9588/84 and 12097/85:

5. In view of the decision in Civil Appeal No. 1204 of 1981, there is no necessity to pass any order in these Special Leave Petitions. They shall be governed by the decision in Civil Appeal No. 1204 of 1981.