

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7927-7928/2004

(From the judgement and order dated 30/12/2003 in WA No. 4088/2003 & WA No. 4089/2003 of The HIGH COURT OF MADRAS)

MGMT., ESSORPE MILLS LTD.

Petitioner(s)

VERSUS

PRESIDING OFFICER, LABOUR COURT & ORS.

Respondent(s)

(With prayer for interim relief and office report )

(For final disposal)

Date: 20/03/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Petitioner(s) Mr. P.P. Rao, Sr.Adv.

Mr. Manohar Gupta, Adv.

Mr. V. Ramasubramanian, Adv.

For Respondent(s) Mr. S.Guru Krishna Kumar, Adv.

Mr. S.R. Setia, Adv.

UPON hearing counsel the Court made the following

O R D E R

We are of the view that the issue between the parties ought to be amicably resolved. The

dispute originally pertained to the services of the 55 workmen. According to the petitioner,

the 55 workmen had gone on strike and their services were validly terminated. According to

the respondents, their services were illegally terminated and that two Courts below had held

in favour of the workmen. Out of the 55 workmen, 37 have already been taken back into

service leaving only 18 workmen. Of these 18 workmen, two have died and 10 have

superannuated leaving a balance of

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6 workmen who can it at all get the fruit of any direction for reinstatement. In our opinion, a

fair settlement would be as follows:

(1) The 18 workmen or their representatives will apologize to the appellant, (2) the petitioner

will reinstate the six employees who have not yet superannuated and put them in posts to

which they would have been entitled had their services not been terminated at the same

scale of pay which their contemporaries are at present enjoying; and (3) as far as the two

dead and 10 superannuated employees are concerned, any one nominee from each of such

employees' families will be given appointment against the vacancies at present existing or

which will arise in future. To this end, the petitioner will indicate the vacancies existing,

future and anticipated vacancies and the educational qualifications required. The

respondents will give a list of their nominees together with their educational qualifications

for being absorbed in the company. (4) If such employment is given there will be no

payment of back wages. If such employment is not given the back wages will be paid.

The learned counsel appearing on behalf of the parties seek time to apprise their

clients of these proposed terms for the purpose of ascertaining their views in the matter.

Adjourned by three weeks.

(Usha Bhardwaj)

(Madhu Saxena)

Court Master

Court Master