

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5311 OF 2010

UNITED SPIRITS LIMITED

APPELLANT(S)

VERSUS

THE STATE OF TAMIL NADU AND ANR.

RESPONDENT(S)

O R D E R

Heard the learned counsel appearing for the appellant and the learned senior counsel for respondent no.2-Employees' Union.

The industrial establishment of the appellant was closed from 15<sup>th</sup> September, 1994. Prior to that, a Voluntary Retirement Scheme was introduced by the appellant on 7<sup>th</sup> September, 1992. According to the case of the appellant, out of 160 workmen, 152 workmen opted for voluntary retirement.

Reference of industrial dispute was sought by respondent no.2-Employees' Union. The appropriate Government declined to refer the dispute for industrial adjudication.

The issue involved is about the applicability or non-applicability of Section 25-D of the Industrial Disputes Act, 1947.

Pursuant to the suggestion made by this Court, it appears that the parties have negotiated. Now, it is an admitted position that the grievance which survives is only of three workmen/or their legal heirs, namely Mr. Viswambaram, Mr. Shiva and Mr. Thirumalai. Mr. Viswambaram and Mr. Shiva have died.

What we gather from the submissions made across the Bar that the appellant offered to pay compensation of Rs.3,00,000/- (Rupees

Three Lakhs) each and the demand put forward by respondent no.2-Employees' Union was of Rs.10,00,000/- (Rupees Ten Lakhs) each.

The learned senior counsel appearing for respondent no.2-Employees' Union fairly states that instead of prolonging the dispute, it will be appropriate if this Court puts an end to the dispute by exercising its jurisdiction under Article 142 of the Constitution of India by fixing an amount of compensation which according to the Court is reasonable.

The learned counsel appearing for the appellant sought time to take instructions and to have one more round of negotiations to settle the dispute.

The closure is of the year 1994. Now, today we are dealing with this Appeal of 2010. This is a case where without prejudice to their rights and contentions, both the parties agreed to settle the dispute. The offer given by respondent no.2-Employees' Union was to settle the dispute by accepting a sum of Rs.10,00,000/- (Rupees Ten Lakhs) each. The appellant has placed on record their counter offer (without prejudice) vide letter dated 18<sup>th</sup> September, 2023, wherein the appellant has offered to pay a sum of Rs.3,00,000/- (Rupees Three Lakhs) per person to all the three workmen.

It is pointed out in the said letter that Mr. Thirumalai did not challenge the closure and late Mr. Viswambaram had retired prior to the closure.

Considering the long-standing dispute and the long passage of time, this is a fit case to invoke jurisdiction of this Court under

Article 142 of the Constitution of India. The aforesaid three employees have put in service for about 20 years. We are of the view that the appellant should pay compensation of Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand) in case of each employee.

Accordingly, we dispose of this Appeal by issuing a direction to the appellant to pay a sum of Rs. 7,50,000/- (Rupees Seven Lakhs Fifty Thousand) each to (i) Mr. Thirumalai; (ii) legal representatives of late Mr. Viswambaram; and (iii) legal representatives of late Mr. Shiva.

The names of the legal representatives of the two deceased workmen have already been supplied by the learned counsel representing respondent no.2 to the learned counsel appearing for the appellant.

We direct the learned counsel appearing for respondent no.2 to communicate to the learned counsel for the appellant the relevant bank account details of Mr. Thirumalai and one of the legal representatives of late Mr. Viswambaram and late Mr. Shiva, along with copies of the cancelled cheques of their respective bank accounts. The bank account details and the copies of the cancelled cheques shall be handed over to the learned counsel for the appellant within a period of three weeks from today.

Within a period of one month from the date of the receipt of the aforesaid relevant bank account details, a sum of Rs.7,50,000/- (Rupees Seven Lakhs Fifty Thousand) each shall be transferred by the appellant to the respective bank accounts.

The Appeal is disposed of in the above terms.

.....J.  
(ABHAY S.OKA)

.....J.  
(PANKAJ MITHAL)

NEW DELHI;  
October 11, 2023.

ITEM NO.105

COURT NO.8

SECTION XII

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

Civil Appeal No(s). 5311/2010

UNITED SPIRITS LIMITED

APPELLANT(S)

VERSUS

THE STATE OF TAMIL NADU AND ANR.

RESPONDENT(S)

(IA No. 53932/2019 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 11-10-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Appellant(s) Mrs. Vanita Bhargava, Adv.  
Mr. Shantanu Chaturvedi, Adv.  
M/S. Khaitan & Co., AOR

For Respondent(s) Mr. V. Prakash, Sr. Adv.  
Ms. E. R. Sumathy, AOR  
  
Ms. G. Indira, AOR  
Mr. Harnaman Singh, Adv.  
Mr. Ashwani Kumar, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

The Civil Appeal is disposed of in terms of the signed order.

Pending application stands disposed of accordingly.

(ASHISH KONDLE)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]