

tH

C.A.No. 1146 OF 1999
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp
L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R
~ ITEM NO. 112 COURT NO. 7 SECTION XV

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. 1146/1999

The Mysore Paper Mills Ltd. .. Appellant (s)

Vs.

Workmen of Mysore Paper Mills Ltd. .. Respondent(s)
& Anr.

DATE : 1.3.2001 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE SHIVARAJ V PATIL

For Appellant (s) : Mr. K.C. Sudarshan, Adv.
Mr. M.A. Chinnasamy, Adv.

For Respondent (s) : Mrs. Sheela Goel, Adv.

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

.....L.....I.....J
.SP2

The appeal is allowed. The parties shall bear their
own costs.

.SP1
Charanjit [Om Prakash]
Court Master

[Signed order is placed on the file]

.PA
L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

.PL55
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.1146 OF 1999@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCC

The Mysore Paper Mills Ltd. .. Appellant

Trainee-Operators would be reckoned as part of service for probation as Plant Assistants, it must follow necessarily that whatever benefits that are attached to the Plant Assistants should be given to them when they are deemed to have discharged the function of Plant Assistants. On that basis set aside the award made by the Industrial Tribunal and extended benefits as sought for by the employees. On appeal

- 3 -

to Division Bench, the learned Single Judge's order was affirmed. Hence this appeal in special leave.

The learned counsel for the appellant submitted that the High Court erred in ignoring the evidence adduced before the Tribunal and the findings recorded by the Tribunal on facts after consideration of the evidence that the work done by the Trainee-Operators and that of the Plant Assistants is different and therefore the High Court was not justified in setting aside the award made by the Industrial Tribunal. Learned counsel for the respondents submitted that inasmuch as there is no specific material before the Industrial Tribunal as to the nature of the work discharged by the Trainee-Operators and the material placed before it was not sufficient to come to the conclusion one way or the other, the view taken by the High court based on the orders issued by the appellant is justified.

Before the Industrial Tribunal evidence was adduced to show that 20 person were appointed as Plant Assistants during August 1978 and their pay had to be revised in the grade of 285 - 558 right from the date of appointment would not be sustainable. In the circumstances, though they had not been

- 4 -

selected as Plant Assistants but as Trainee-Operators and it has been shown to the satisfaction of the Industrial Tribunal that the nature of work carried on by them being different to which we have adverted to earlier, and therefore the different pay scales extended to them are justified, it could not be upset by the High Court merely on the basis of certain indulgence shown to the employees in respect of the manner in which their services should be treated. The orders made by the appellant were to accommodate them as Trainee-Operators and certain scales of pay were extended to them. If that is so having accepted those posts and worked on those posts for such a long time, it is not open to them to have contended that they are entitled to higher emoluments thereafter. Only when the services were treated as that of Plant Assistants and from the date they were Plant Assistants they have been given the benefits as are attributable to the Plant Assistants. In that view of the matter we do not see any justification for the High Court to have interfered with the award made by the Industrial Tribunal. Therefore we set

- 5 -

aside the orders made by the Learned Single Judge and the Division Bench of the High Court and restore that of the Industrial Tribunal. The appeal is, therefore, allowed. However, in the circumstances of the case the parties shall bear their own costs.

.SP1

.....J@@
AAAAAAAAAAAAAAAAAAAAAAAAA
[S. RAJENDRA BABU]@@
AAAAAAAAAAAAAAAAAAAAAAAAA

.....J@@
AAAAAAAAAAAAAAAAAAAAAAAAA
[SHIVARAJ V PATIL]@@
AAAAAAAAAAAAAAAAAAAAAAAAA

New Delhi,@@
AAAAAAAAA
March 1, 2001 @@
AAAAAAAAA