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Court : Supreme Court of India

Decided On : Sep-03-1976

Reported in : AIR1977SC1867; 1977LabIC1190; (1977)2SCC153

Judge : N.L. Untwalia and; P.K. Goswami, JJ.

Acts : Industrial Disputes Act - Sections 10

Appeal No. : Civil Appeal No. 1012 of 1976

Appellant : Rohtas Industries Ltd.

Respondent : Workmen Represented by Rohtas Industries Mazdoor Sangh and anr.

Judgement :

P.K. Goswami, J.

1. There was a reference to the Industrial Tribunal, Patna under Section 10(d) of the Industrial Disputes Act There were several items of dispute referred to the Tribunal for adjudication and the Tribunal gave its award on 31st January. 1974. The management has filed the application of special leave. When this matter had earlier come up for hearing this Court issued notice to the respondents to show

cause why special leave should not be granted only with regard to Item No. 6, namely 6 in the Schedule of reference, which may be quoted:

6. Whether the following Malis are entitled to be departmentalised? If so, since when and in which scale of pay?

1. Shri Pukhan

2. Shri Ram Naresh

3. Shri Mahadeo

4. Shri Harigovind

5. Shri Umraon Singh

6. Shri Deonarain

7. Shri Suraj Singh

8. Shri Bishamdeo

9. Shri Baban Singh

10. Shri Jagdish

11. Shri Sheodeni

12. Shri Ram Pratap

13. Shri Ganeshi

14. Shri Deonandan

15. Shri Rampati

16. Shri Ram Bilash

17. Shri Suraj Choubey

18. Shri Ramlakhan Chaudary

19. Shri Baliram

20. Shri Gautam Giri

21. Shri Sahdeo Sharad

22. Shri Angad.

2. We have admitted the appeal and have heard learned Counsel for both sides. The learned Counsel for the respondents strenuously contends that the management has, by its conduct, forfeited its right to examine witnesses before the Tribunal. We are not impressed by this argument. The Tribunal refused to allow the management an opportunity to examine witnesses on the sole ground that it had not earlier submitted the written statement. That ground in an industrial matter, would not be sufficient to refuse examination of witnesses when the management later on pressed for it. This is against the principles of natural justice. It appears from the award that the Tribunal came to its conclusion in respect of item No. 6 relying upon certain documents without giving an opportunity to the management to produce evidence in rebuttal. In view of this we cannot sustain the award with regard to item No. 6. The appeal is allowed and the matter is remitted back to the Tribunal for disposing item No. 6 referred to above preferably within 3 months from receipt of this order after giving reasonable opportunity to both parties. The award in respect of other items stands. There will be no order as to costs.

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