

Manipal Power Press Vs. Workmen of Manipal Power Press and ors.

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Court : Supreme Court of India

Decided On : Mar-15-2001

Reported in : (2001)IILLJ232SC

Judge : S. Rajendra Babu and; S.N. Variava, JJ.

Acts : [Industrial Disputes Act, 1947](#) - Sections 33A

Appellant : Manipal Power Press

Respondent : Workmen of Manipal Power Press and ors.

Judgement :

ORDER

1. A reference was made to the Industrial Tribunal under Section 10 of the Industrial Disputes Act (for short the 'Act') on the following question:

'(1) Are the 64 workmen as detailed in the Annexure appended to this Government Order working in the Manipal Power Press, Manipal represented by the Manipal Printers and Publishers Employees Association, Udupi justified in demanding that they should also be considered as employees (Newspaper employees) of the Manipal Publishers and Printers (Private) Limited, Manipal from the date of their appointments with all consequential benefits arising out of various Wage Board recommendations and Awards for Journalists;

(2) If not, to what other relief these employees are entitled to.'

2. A complaint was made under Section 33A of the Act stating that during pendency of that industrial dispute referred under Section 10 their conditions of service have been altered by transferring from the composing section and job work section to the binding section and changing from night shift to day shift with a view to deprive the workmen of all the benefits of the Bachawat Award.

3. The Tribunal examined the matter and set aside the order of transfer made by the appellant and directed to post the said workmen back to the composing section. Aggrieved by that award a writ petition was preferred before the High Court unsuccessfully. Contention has been raised by the appellant that it had not been 1 made a party to the industrial dispute that had been referred to the Tribunal.

4. Inasmuch as an award has now been passed on the reference made under Section 10 of the Act and the rights of the parties are governed therein and the order made by the Tribunal in the complaint arising under Section 33A of the Act was only in respect of a complaint of change of conditions of service by transferring from one section to another section and that action having been set aside, we do not think any useful purpose will be served by examining the various contentions raised by the parties. The appeals shall stand disposed of noticing this position. It is needless to say that it is open to the parties to urge any of the legal contentions that are available to them in any appropriate forum.