

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO(S). 9382-9384 OF 2017

IEL SUPERVISORS' ASSOCIATION ETC. ETC. Appellant(s)

VERSUS

DUNCAN INDUSTRIES LTD. & ANR. Respondent(s)

J U D G M E N TKURIAN, J.

1. The appellants are before this Court, aggrieved by the Judgment dated 24.02.2016 passed by the High Court of judicature at Allahabad in Writ Petition No. 12468 of 2002 and other connected matters, by which the High Court remitted the dispute to the Industrial Tribunal for fresh adjudication.

2. It is the contention of the learned senior counsel that this is the second time the remittance is made and going by the order dated 14.09.2010 passed by this Court, the High Court could not have made a remand. The relevant portion of the order dated 14.09.2010 passed by this Court in Civil Appeal Nos. 351-355 of 2006 and other connected matters, is reproduced below :-

"In the circumstances and keeping in view the fact that the Labour Court has taken two different views in the two references made to it as regards the status of Supervisors and Deputy Superintendents, we are of the view that the matters need to be remanded back to the High Court to enable both the sides to argue the matter afresh and also the High Court to examine the issues that arise for determination.

We, accordingly, allow these appeals, set aside both the impugned orders and remit the matters back to the High Court for a fresh disposal in accordance with law. Keeping in view the importance of the issues that arise for consideration, we would request the Chief Justice of the High Court to direct placing the matters before a Division Bench. Since, the matters have been lingering on for a long time, we give liberty to the parties to approach the Division Bench for an early hearing and disposal. Parties are left to bear their own costs. Needless to say that all contentions available to the parties are left open to be urged before the High Court."

3. It may be seen that the order, as above, was passed in view of the conflicting stands taken by two Labour Courts on the issue as to whether the Supervisors/Deputy Superintendents would be workmen or not under the provisions of the Industrial Disputes Act, 1947. The learned counsel for the Management submits that in view of the intervening development after the order dated 14.09.2010 passed by this Court, whereby the Management has been taken over by the present respondent, the matter needs a fresh adjudication. We are afraid, the contention cannot be appreciated.

4. The only dispute remaining to be decided is whether the Supervisors/Deputy Superintendents would be workmen or not. There are already two conflicting views of the Labour Courts. In the above circumstances, we do not find any justification for the High Court remitting the matter again to the Labour Court on the issue. Accordingly, these appeals are allowed. The impugned Judgment is set aside. We direct the High Court to decide the issue finally in the true spirit of the order dated 14.09.2010, as explained by us above on the basis of the materials available on record. Being an old matter, we request the High Court to dispose of the writ appeals expeditiously and preferably before the

Court closes for summer vacation. It will be open to the first respondent to bring the intervening developments to the notice of the High Court.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[MOHAN M. SHANTANAGOUDAR]

New Delhi;
February 23, 2018.

ITEM NO.64

COURT NO.4

SECTION III-A

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). 9382-9384/2017

IEL SUPERVISORS' ASSOCIATION ETC. ETC.

Appellant(s)

VERSUS

DUNCAN INDUSTRIES LTD. & ANR.

Respondent(s)

Date : 23-02-2018 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGODARFor Appellant(s) Mr. Colin Gonsalves, Sr. Adv.
Ms. Nabila Hasan, Adv.
Mr. Satya Mitra, AORFor Respondent(s) Mr. Bimal Roy Jad, AOR
Ms. Shikha Dixit, Adv.
Mr. N. G. Dev, Adv.UPON hearing the counsel the Court made the following
O R D E RThe civil appeals are allowed in terms of the signed
non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)