

1978 KHC 681

Supreme Court of India

**V. R. Krishna Iyer; Jaswant Singh; V. D. Tulzapurkar, JJ.*

Oriental Power Cables Ltd., Bombay v. Its Workmen

C. A. No. 550 (L) of 1973

16 March, 1978

Industrial Disputes Act, 1947, S.17, S.18 - Industrial Disputes -- Supreme Court -- Parties substantially agreeing and leaving residuary marginal dispute to discretionary resolution of Court -- Court modifying Award on basis of 87 1/2 per cent increase directed by award plus pre-award wages to continue to be in operation up to 31/12/1979. (Para 1)

JUDGMENT

V. R. Krishna Iyer, J.

1. After having heard the case for some time, we were inclined to the view that the dispute between the management and the workmen was pre-eminently one to be adjusted instead of being adjudicated upon. Counsel on both sides appreciated the suggestion and consulted their respective clients. Today they have represented that substantially they have agreed and left the residuary marginal dispute to out discretionary resolution. Consequentially, we have indicated what we regard as just and ultimately both sides have agreed on a complete settlement of the current dispute on the following terms:

(1) It is agreed by both sides that with effect from 1-1-1972 up to 31-12-1977, the workers will be entitled to wages (which will cover basic wages, rates of increments and dearness allowances) on the basis of 75% of the increase directed by the award plus the pre award wages.

(2) With effect from 1-1-1978 the wages payable will be 87 1/2% of the increase directed by the award plus pre award wages.

(3) The Management will be liable to pay 6% interest on the arrears and the arrears will be payable in the manner set out below, that is to say, the arrears up to 31-12-1977 calculated on the basis set out above will be payable in four equal instalments; the first instalment being falling on 1-4-1978 and the others on 1-7-1978, 1-10-1978 and 1-1-1979. The wages calculated at 87 1/2% as mentioned in para. 2 above, for the period from 1-1-1978 to 31-3-1978 will be payable on 1-4-1978. The arrears for January and February, 1978 will not carry and interest.

(4) The award as modified above, namely, on the basis of 87 1/2% of the increase plus the pre award wages will continue to be in operation up to 31-12-1979. Both parties' consent to the operation of the award for this period. The respondents' costs quantified at Rupees 2,000/- will be payable by the Management. This amount will be withdrawn from the security furnished by the appellants. The Bank Guarantee will stand discharged.