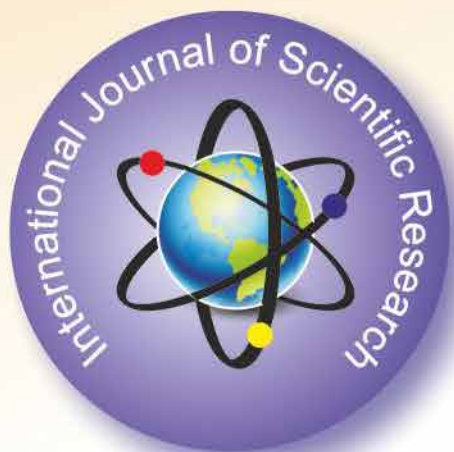


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## Industrial Relations - Settlement of Disputes in India



### Economics

**KEYWORDS :** regularization of Service, dispute with contractor, medical aid, privileges, delay

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### ABSTRACT

*Effective means of prevention and settlement of disputes is a cornerstone of sound industrial relations and it is essential that appropriate machineries exist for this purpose. An efficient mechanism for dispute prevention and resolution helps to create a climate in which economic growth and equity can flourish. Dispute investigation and resolution process seeks to assist parties in the employment relationship to settle their grievances or disputes with minimum disruption of work. In a sense, the process is a peace-making arrangement.*

*The absence of an effective dispute settlement system and procedure can result in the widespread industrial conflict with adverse effects on the worker-employer relations and also on collective bargaining process itself. Therefore, the Indian Government attempted to make industrial relations healthier by enacting the Industrial Disputes Act, 1947 [hereinafter referred to as IDA] and Labour Code Act No. 71 of 1987 [hereinafter referred to as LCA] respectively, to solve the industrial disputes. This in turn has improved the industrial relations tremendously.*

The main purpose of the LCA, as pointed out in S.1 of the LCA, is to involve labour in the process of building the national economy as to achieve prosperity and improve the living conditions. In addition, S.2 of the LCA guarantees the right to work, under equal conditions and with equal opportunity to all citizens who are able to work, without any discrimination on the basis of sex, race, language, or religion. Thus, every citizen shall have the possibility of pursuing vocational training within the limits established by the state in relation to the amount of work and the nature of work in each occupational branch.

The LCA uses the term 'Labour Dispute' in place of the term 'Industrial Dispute' as used under the IDA. S.130 of the LCA defines the term as follows;

Labour dispute means a collective conflict affecting the common interests of workers which arise between them and employers in one or more enterprises, or in one or more, occupations or industries and which lead to a divergence of views regarding the application of Labour Code, implementing instructions issued under it or individual contracts of employment, such conflicts constitutes labour disputes when the parties are unable to reach a friendly settlement.

Similarly in India, the main objective of IDA, as pointed out in the preamble is to make provision for the investigation and settlement of industrial dispute. According to S.2 (k), the following elements should exist to constitute an industrial dispute:

1. There should be a dispute or difference between (a) employers and employers, or (b) employers and workmen, or (c) workmen and workmen ;
2. The dispute or difference should be connected with (a) employment or non-employment, or (b) terms of employment, or (c) conditions of labour of any person;
3. The dispute may be in relation to any workman or workmen or any other person in whom they are interested as a body.

The expression of 'any person' appearing in the last line of S.2 (k) means that the person may not be a workman but he may be some one in whose employment, terms of employment or conditions of labour the workmen as a class have a true and substantial interest<sup>1</sup>. Industrial dispute is not restricted to dispute between employer and a recognized majority union. It also means a difference between employer and workmen including a minority union.<sup>2</sup>

Before an industrial dispute can be raised there must be first established a relationship of employer and employee associating together, the former following a trade or business, etc., and the latter following any calling, service or employment, etc in aid of the employee's enterprise. It is not necessary that there must be a profit motive but the enterprise must be analogous to trade or business in a commercial sense. For a dispute to be industrial dispute it is necessary that a demand must be first raised on management and rejected by them. For coming into existence of an industrial dispute a written demand is not a sine qua non, unless of course in the case of public utility service. The term 'industrial dispute' connotes a real and substantial difference having some element of persistency and continuity till resolved and likely, if not adjusted, to endanger the industrial peace of the undertaking or the community<sup>3</sup>.

In Hindustan Lever Ltd<sup>4</sup>, the question was whether a demand to confirm employees in an acting capacity in a grade is an industrial dispute? It was held that a demand of the workmen to confirm employees employed in an acting capacity in a grade would unquestionably be an industrial dispute without anything more.

It was held in Forbes Gohak Ltd<sup>5</sup> that in order that a dispute relating to a single workman may be an industrial dispute, it must either be espoused by the union or by a number of workmen. In the present case the individual dispute was espoused by the union, The Court also pointed out that there was no particular form prescribed to effect such espousal. The objection in this case was that the union espousing the cause of workman was not the majority union but that objection was rightly rejected by the Tribunal and wrongly accepted by the High Court. The Supreme Court held that the High Court should not have upset the finding of the Tribunal without holding that the conclusion was irrational or perverse.

#### a) Regularization of Service:

In Pankaj Gupta and Others<sup>6</sup>, some persons were employed as class IV employees without publication of a notice inviting applications for filling up these posts. The appellants were employed only on recommendation by members of State Legislature. No criteria approved by the Government or any rules of recruitment were followed while making these appointments. It was held by the Supreme Court that no person illegally appointed would be entitled to claim that he should be continued in service. The Supreme Court directed to fill vacancies after fresh notification and the appellants could apply for those posts and if they do so they should be given relaxation in age.

b) Dispute relating to workmen employed by the contractor:

The Standard Vacuum Company case<sup>7</sup> is the leading case on the point. The Standard Vacuum Company used to give annual contract for maintenance of the plant and premises. In the first year 67 persons were employed while the next year only 40 workmen were employed. The contractor's men were not entitled to any privileges and there was no security of employment. The workmen raised an industrial dispute demanding the abolition of the contract system.

The Supreme Court held the dispute to be an industrial dispute because there was a real and substantial dispute between the company and the workmen on the question of employment of contract labour for the work of the company. The fact that the workmen were employed by the contractor would not alter the nature of the dispute so long as the party raising the dispute has a direct interest in the subject-matter of the dispute

In FACT Ltd<sup>8</sup>, twenty-six persons were employed by the contractor, Pigeo Agencies in connection with the work of the respondent a public sector undertaking. After about ten years of service they claimed to be absorbed in service under the Respondent No. 1. It was held that the petitioners were never the workmen of the respondent but were only now seeking employment. An industrial dispute cannot exist between an employer and person seeking employment. Here the petitioners were employed by a contractor employed by the first respondent. That cannot confer on them any preferential claim to be appointed in its service.

**c) Disputes regarding medical aid to families or housing of workmen:**

In any industrial dispute, Tribunal has jurisdiction to make proper and reasonable order, but housing of the industrial labour is primarily the responsibility of the State, and in the present economic conditions of our industries, an obligation to provide housing accommodation to the employees cannot be imposed upon the employers<sup>9</sup>. The Tribunal may also make an award for medical aid to the families of employees, although there is no authoritative judicial opinion on this point.

**d) Jurisdiction of civil court barred:**

In Bikar Singh<sup>10</sup>, respondent was a conductor in Haryana Roadways. He was dismissed from service for embezzlement of Rs.200 which he collected from a passenger and for which he did not issue ticket. A suit was filed in Civil Court by dismissed conductor seeking a decree of declaration that he should be deemed to be in service and the orders regarding his dismissal passed by the departmental authorities be declared as null and void. The trial Court examined the case on merit without determining the jurisdiction of the Court. The Supreme Court expressed its dismay on the absence of a finding of the trial Court on the issue of jurisdiction and set aside the orders of the Civil Court and the High Court. It was observed that the Civil Court had no jurisdiction to entertain a suit relating to a dispute in-

volving recognition and enforcement of rights and obligations created under the IDA. Civil Court being without jurisdiction was a nullity. However, the Supreme Court observed that so much of the salary paid to the respondent for the work he had rendered pursuant to the impugned orders of the lower forums would not be recovered from the respondent.

**e) Privilege:**

Where privilege given to an office-bearer of a trade union in the form of duty relief is withdrawn by the management which has granted the privilege it cannot be said that an industrial dispute has arisen thereby. The legal status of the duty relief is only that of a concession and not a matter pertaining to conditions of service. Where the concession provided is withdrawn, the beneficiary cannot complain that a condition of service is affected and the management is not entitled to do so without raising an industrial dispute and having the matter adjudicated by the competent authority<sup>11</sup>.

**f) Delay in raising industrial dispute:**

Delay in raising industrial dispute does not serve as a bar to the reference of a dispute. If the dispute is raised after a considerable delay which is not reasonably explained, the Tribunal would definitely take that fact into account while dealing with the merits of the dispute<sup>12</sup>.

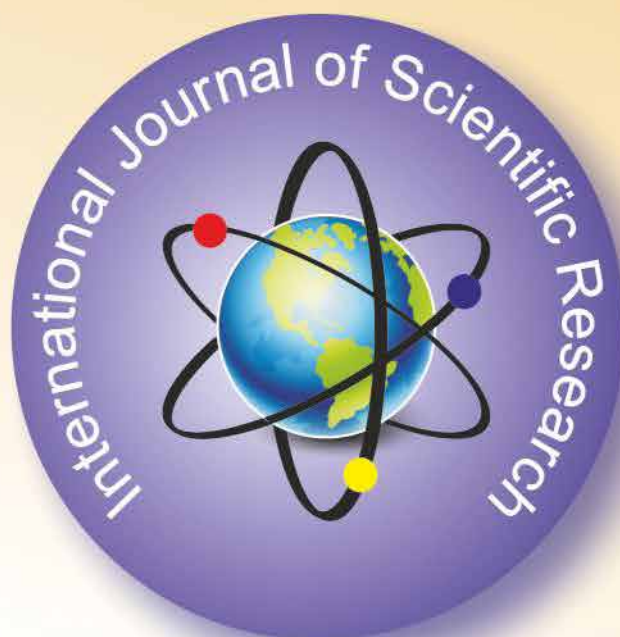
**g) Individual dispute and industrial dispute:**

Section 2(k) of the IDA speaks of a dispute between employer and workmen i.e plural form has been used. Before insertion of S.2-A of the Act an individual dispute could not per se be an industrial dispute, but it could become one if taken up by the Trade Union or a number of workmen. The provision of the Act leads to the conclusion that its applicability to an individual dispute as opposed to dispute involving a group of workmen is excluded unless it acquires the general characteristics of an industrial dispute, viz, the workmen as a body or a considerable section of them make common cause with the individual workman<sup>13</sup>.

In Indian Express Newspapers<sup>14</sup>, a dispute relating to two workmen of Indian Express Newspapers Ltd was espoused by the Delhi Union of journalists which was an outside union. About 25 per cent of the working journalists of the Indian Express were members of that union. But there was no union of the journalists of the Indian Express. It was held that the Delhi Union of journalists could be said to have a representative character qua the working journalists employed in Indian Express and the dispute was thus transformed into an industrial dispute. Where an industrial dispute existed at the time of making order of reference this dispute does not cease to be so merely because dispute relating to only one employee is left over and that the union which raised the dispute chooses not to represent a particular employee.

**REFERENCE**

- 1 Workmen of Dimakuchi "Tea Estate v. Management of Dimakuchi Tea Estate, AIR 1958 SC 353. | 2 Tata Chemicals v. Workmen, Tata Chemicals, AIR 1978 SC 828. | 3 Shambhu Nath v. Bank of Baroda, AIR 1978 SC 1088. | 4 Workmen of Hindustan Lever Ltd. v. Hindustan Lever Ltd, (1984) 11 LLJ 391 (SC). | 5 Jadhav J,H. v. Forbes Gohak Ltd, (2005) I L.L.B. 1089 (S.C.). | 6 Pankaj Gupta and Others v. State of J. & K and others, (2004) III L.L.J 1081 (SC). | 7 Standard Vacuum Refining Company of India Ltd v. Their Workmen & another, (1960) II Lab LJ 233. | 8 K.K. Thilakan and others v. FACT Ltd., and another, (1992) II LLJ 782 (Kerala). | 9 Patna Electric Supply Company Ltd, v. Patna Electric Supply Workers Union, AIR 1959 SC 1035. | 10 State of Haryana and others v. Bikar Singh, 2006 11 L.L.J. 754 (S.C.). | 11 Workmen of Indian Bank v. Management of Indian Bank, (1985) I LLJ 6 (Mad). | 12 Guest Keen William (Private) Ltd. v. Sterling (P.J.) and others, AIR 1959 SC 1279. | 13 Newspaper Ltd. v. State Industrial U.P and others, AIR 1957 SC, 532. | 14 Workmen of Indian Express Newspapers Ltd, v. Management of Indian Express Newspapers AIR 1970 SC 737.



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