

PETITIONER:
H.R. ADYANTHAYA AND OTHERS

Vs.

RESPONDENT:
SANDOZ (INDIA) LIMITED

DATE OF JUDGMENT 12/05/1994

BENCH:
KULDIP SINGH (J)
BENCH:
KULDIP SINGH (J)
SAWANT, P.B.
YOGESHWAR DAYAL (J)

CITATION:
1994 SCC (4) 164 JT 1994 (5) 176
1994 SCALE (2) 1015

ACT:

HEADNOTE:

JUDGMENT:

ORDER

In view of the conflict between three three-Judge Bench decisions of this Court in *May & Baker (India) Ltd. v. Workmen*, *Western India Match Co. Ltd. v. Workmen*² and *Burmah Shell Oil Storage & Distribution Co. of India v. Burmah Shell Management Staff Association*³ on the one hand and later three three-Judge Bench decisions in *S.K. Verma v. Mahesh Chandra*⁴, *Ved Prakash Gupta v. Delton Cable India (P) Ltd.*⁵ and *Arkal Govind Raj Rao v. Ciba Geigy of India Ltd., Bombay*⁶ on the other, on the interpretation of Section 2(s) of the Industrial Disputes Act, 1947 and consequently the status of the medical/sales representatives prior to 6-3-1976 when the Sales Promotion Employees (Conditions of Service) Act, 1976 was brought into force and also prior to 21-8-1984 when the definition of "workman" under the Section 2(s) of the Industrial Disputes Act was amended, we are of the view that propriety demands that the matter be heard by a larger Bench. We, therefore, refer the matter to a five-Judge Bench to be constituted by the learned Chief Justice of India for the purpose. These papers be placed before the learned Chief Justice for constituting the Bench.

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