

CASE NO.:
Appeal (civil) 3936 of 2001

PETITIONER:
MAHARASHTRA GENERAL KAMGAR UNION

RESPONDENT:
INDIAN GUM INDUSTRIES LTD

DATE OF JUDGMENT: 30/01/2008

BENCH:
H.S. BEDI & AFTAB ALAM

JUDGMENT:
JUDGMENT
O R D E R

CIVIL APPEAL NO(s). 3936 OF 2001

Heard learned counsel for the parties.

At the very outset Ms. Indu Malhotra, learned Senior Counsel for the respondent points out that after the decision of the Division Bench of the High Court dated 23rd January, 2001, all the workmen had arrived at settlements with the respondent-employer and taken their dues and given affidavits that they had no further claims against the respondent. She has thus urged that in the light of this fact which has also been brought on record the present appeal has become infructuous. Mr. Colin Gonsalves, learned Senior Counsel appearing for the appellant-Maharashtra General Kamgar Union, has however pointed out that the issue raised in the present appeal is one of the general importance and as the impugned judgment was being followed by all subordinate courts in Maharashtra, it would be appropriate that the matter be decided here.

::2::

He has pointed out that the question posed i.e. "Whether for the purposes of computing the number of workmen while applying sub-section (1) of Section 25-K of the Industrial Disputes Act, 1947 contractors workmen, mathadi workers and workmen of other industrial establishments are liable to be included?" was of significance and brooked no delay.

We are of the opinion that in the light of the compromise arrived at between the parties, the present matter does not survive but we do find that the matter is of general importance, which will ultimately have to be resolved in some other case. We accordingly dispose of the appeal and leave the question open to be decided in an appropriate matter. There will be no order as to costs.