

Binny Limited Vs Industrial Tribunal and Others

Court: Karnataka High Court

Date of Decision: July 12, 1995

Acts Referred: Industrial Disputes Act, 1947 " Section 25 N

Citation: (1996) 2 LLJ 539

Hon'ble Judges: S.A. Hakeem, Acting C.J.; J. Eswara Prasad, J

Bench: Division Bench

Advocate: K. Kasturi, for the Appellant;

Final Decision: Dismissed

Judgement

S.A. Hakeem, Actg. C.J.

1. The main contention of Sri Kasturi, learned counsel for the appellant, is that the learned single judge ought to have taken into consideration the

object and reasons impelling Parliament in amending Section 25N of the Industrial Disputes Act, 1947, which had earlier been held ultra vires by

some of the courts. Merely because the Supreme Court has upheld the validity of the Section subsequently in another proceeding it cannot

invalidate the action which was proper at the time it was taken by the management. Reliance is sought to be placed upon certain observations of

the Supreme Court in State of Tamil Nadu and Others Vs. Nellai Cotton Mills Ltd. and Others, The learned judge in our opinion has rightly relied

upon the ruling of the Constitution Bench in Workmen of Meenakshi Mills Ltd. and Others Vs. Meenakshi Mills Ltd. and Another, in which the

constitutional validity of Section 25N of the Act has been upheld.

We are not persuaded to take a view different from what the learned single judge has taken in the matter. As such, the appeal is rejected