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C.A.No. 5787 OF 1997
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp
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.....L.....I.....T.....T.....T.....T.....T.....T.....J.....
ITEM NO. 115 COURT NO. 3 SECTION XV

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 5787/1997

Karnataka S/C & S/T Dev. .. Appellant (s)
Corporation

Vs.

Bharatmatha Watch Employees .. Respondent(s)
Union & Ors.

(With appln. for stay)

DATE : 20.3.2002 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Appellant (s) : Mr. K.C. Sudarshan, Adv.
Mr. Jayanth Muth Ray, Adv.
Mr. R.N. Keshwani, Adv.

For Respondent (s) : Mr. S Ravindra Bhat, Adv.

UPON hearing counsel the Court made the following

O R D E R

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Mr. K.C. Sudarshan, learned counsel started
arguments at 3.20 p.m. and concluded at 3.35 p.m.
The appeal is dismissed in terms of the signed order.

.SP1

Charanjit

[Om Prakash]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5787/1997@@
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Karnataka S/C & S/T Development .. Appellant
Corporation 0 0
Vs.

Bharatmatha Watch Employees .. Respondents
Union & Ors.

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A reference was made to the Industrial Tribunal for considering the issue which was raised on the basis of the pleading, as to whether the closure of one of the units of the appellant is justified and in accordance with law. A contention was raised before the Tribunal that the number of workmen employed by the Corporation is less than 100 and, therefore, it need not obtain permission of the Government before closure of the said unit. The evidence of M.W-1 Chandrakanth, in charge Section, Officer of the Corporation was led down who admitted in the course of his evidence that attendance register as well as payment register bear the names of more than 100 workers, maintained for the month of January 1987 and October 1987. If there are more than 100 workmen in the said unit, the view taken by the Tribunal that there were more than 100 workmen and, therefore, the permission of the Government ought to have been taken before closing the said unit stands justified and that finding having

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been affirmed by the High Court both by the learned Single Judge and by the Division bench, we do not allow the appellant to agitate the question once over again before us, being a finding on a question of fact, which is the only question that is urged before us. As regards other questions the view taken by the Tribunal has been affirmed by the learned Single Judge except in regard to the question of absorption of the employees by the Corporation and to that extent the award made by the Tribunal was set aside and the matter was remitted for fresh consideration in accordance with law. The award having been maintained by the learned Single Judge in other respects and Writ appeal having been dismissed and no other point having been urged, we see no reason to interfere with the same.

The appeal is dismissed accordingly.

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.....J@@
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[P. VENKATARAMA REDDI]@@
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New Delhi,@@
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March 20, 2002 @@
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