

FOOD CORPORATION OF INDIA & ANR.

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v.

HEAD LOAD LABOUR CONGRESS (REGN. NO336/85) & ANR.

(Civil Appeal No. 10530 of 2011)

AUGUST 20, 2018

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**[ABHAY MANOHAR SAPRE AND
SANJAY KISHAN KAUL, JJ.]**

Industrial Disputes Act, 1947: Regularization – Workers of one Branch of an undertaking seeking benefit of award passed in case of another Branch of same undertaking – Writ petitions filed by workers Union against appellant undertaking seeking mandamus against the appellant to implement the award passed by Industrial Tribunal, Chennai also in relation to the employees working in Branch offices at Kerala – In terms of the said award, the appellant-undertaking was directed to give benefits of regularization of the workers in the services of the appellant consequent upon abolition of contract labourers system in relation to Branch office at Chennai – This award was upheld by Supreme Court and attained finality – By impugned order, High Court directed the appellant to give benefits of the said award to the members of the workers Union working in two depots at Kerala finding no dissimilarity in two set of these cases – Held: No reason to deny the relief granted by High Court to workers – There is no good ground to take any other view in the case than the one taken by Madras High Court in similar case and in the impugned orders.

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CIVIL APPELLATE JURISDICTION : Civil Appeal No. 10530 of 2011

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From the Judgment and Order dated 15.02.2010 of the High Court of Kerala in Writ Appeal No.249 of 2009

WITH

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C. A. No.7961 of 2014

C. U. Singh, S. R. Singh, Brijender Chahar, Sr. Advs., Y. Prabhakara Rao, J. P. Mishra, P. V. Dinesh, R. R. Kumar, Atulesh Kumar, Swetank Shantanu, Vishwa Pal Singh, Dr. Pooja Jha, Ronak Karanpuria,

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A Sumit Sharma, Nagendra Singh, R. Prakash, Ms. Nandita Jha, Ajit Pudussery, K. Vijayan, Ajeet Singh Verma, C. Paramasivam, Rakesh K. Sharma, V. K. Sidharthan, Ms. Sridevi V. S., Sudarsh Menon, Bharat Sangal, Ms. Malini Poduval, Advs. with them for the appearing parties.

The Judgment of the Court was delivered by

B **ABHAY MANOHAR SAPRE, J.**

C 1. These two appeals namely Civil Appeal No.10530 of 2011 and Civil Appeal No.7961 of 2014 are directed against the final judgment and order dated 15.02.2010 passed by High Court of Kerala in Writ Appeal No.249 of 2009 which arose out of order dated 22.09.2009 passed by Single Judge in O.P. No.14360 of 1999 and against another final order dated 20.03.2014 passed by the High Court of Kerala in Writ Appeal No.1746 of 2013 which arose out of an order dated 04.09.2013 passed by Single Judge in W. P. (C) No.14786 of 2013 respectively.

D 2. Though these appeals arise out of an order passed by the High Court of Kerala, but we find that these appeals also involve more or less the same point which we have dealt with in detail in our order passed today (20.08.2018) in Civil Appeal No.10499 of 2011, Civil Appeal No.10511 of 2011 (**Food Corporation of India and Ors. vs. Gen. Secretary, FCI India Employees Union and Ors.**) which arose from the orders passed by the High Court of Madras.

E 3. The present two appeals are filed by the FCI against the Workers' Union of different branches, the only difference being that the Civil Appeal No.10499 of 2011 and Civil Appeal No.10511 of 2011 relate to employees working in Chennai Branch Office of FCI, whereas the present appeals (C.A. Nos.10530/2001 and 7961/2014) relate to employees working in depots at West Hills Mavelikkare and Chelakkudy in State of Kerala and, therefore, these appeals came to be decided by the High Court of Kerala.

F 4. In short, the facts of the present two appeals are that the writ petitions were filed by the workers' Union against the appellant (FCI) seeking a mandamus against the appellant (FCI) directing them to implement the award (Ex.P-1) passed by the Industrial Tribunal, Chennai also in relation to the employees working in Branch offices at Kerala named above.

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5. The said award (Ex.P-1) directed the FCI to give benefits of regularization of the workers in the services of the FCI consequent upon abolition of contract laborers system in relation to Branch office at Chennai. This award (Ex.P-1) was upheld by this Court and attained finality. A

6. The High Court, by impugned order, allowed the writ petitions filed by the workers' Union (respondents herein) and directed the FCI to give benefits of the said award to the members of the workers' Union (respondent herein), who are working in two depots at Kerala finding no dissimilarity in two set of these cases. B

7. We also do not find any justifiable reason(s) to deny the relief granted by the High Court to the writ petitioners (respondents herein) insofar as these two appeals are concerned. It is more so when no distinguishing features were pointed out by the appellants on the facts or law, which may persuade this Court to take a different view than the one taken by the High Court in the impugned order. What were pressed into service were only the technical issues arising in the case but we were not impressed by such issues. They did not go to the root of the case. C
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8. Having regard to the totality of the facts and circumstances of the case coupled with the judicial orders passed against the appellant in relation to identical matters, we find no good ground to take any other view in the case than the one taken by Madras High Court in similar case and in the impugned orders. E

9. In the light of the foregoing discussion, these appeals also fail and are accordingly dismissed. F