* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 17.04.2025
Pronounced on: 01.07.2025

\+ LPA 251/2025 AND CM APPL. 22143/2025

M/S. SAWHNEY RUBBER INDUSTRIES .....Appellant

Through: Mr. Ankit Jain, Sr. Adv. with Mr. Anurag Lakhotia, Adv.

Versus

WORKMEN ....Respondent

Through: *Nemo.*

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CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR

J U D G M E N T

RENU BHATNAGAR, J.

1. The instant appeal has been filed challenging the final Judgment and Order dated 31.05.2024 passed by the learned Single Judge of this Court in W.P.(C) No. 3014/2010 titled ***Sawhney Rubber Industries v. Workmen,*** whereby, the learned Single Judge dismissed the Writ Petition of the appellant and upheld the Award dated 29.09.2009 passed by the learned Presiding Officer, Industrial Tribunal, Karkardooma Courts, Delhi, (hereinafter referred to as, 'Industrial Tribunal') in favour of the respondents in Industrial Dispute bearing ID No. 57/2000.

BACKGROUND OF THE APPEAL

2. The brief facts in which the present appeal arises are that among the 168 industries creating pollution in Delhi, the appellant management, being engaged in the business of manufacturing cycle/rikshaw's tyres and tubes, was directed to be closed by the Supreme Court *vide* Order dated 08.07.1996. The Supreme Court had further directed that any factory that wanted to relocate from Delhi, had to pay additional one-year's wages to its workmen as compensation, whereas the factories that wanted to close had to pay additional six years' wages as compensation to their workmen.

3. Subsequently, the appellant herein filed an application before the Supreme Court stating its wish to continue its operation in Delhi by fulfilling the requirements relating to pollution. On such application, an Order dated 04.12.1996 was passed, allowing the said relief to the appellant to run its Unit after fulfilling all legal requirements pertaining to pollution. It is the case of the appellant that in view of the same, the Order dated 08.07.1996 became inapplicable to the appellant and it was not liable to pay any compensation to its workmen.

4. In the *interregnum*, the respondents (who remained employed workmen with the appellant), raised a dispute before the Conciliation Officer under the relevant provisions of the Industrial Disputes Act, 1947 (hereinafter referred to as 'ID Act') with the grievance that the appellant management failed to give them any designation and further failed to reply to their demand notice seeking designation.

5. The said dispute was referred to learned Industrial Tribunal by the Secretary (Labour) Government of NCT of Delhi *vide* Order of Reference dated 21.03.2000. Subsequent thereto, the Secretary (Labour), Government of NCT of Delhi issued a Corrigendum with the amended terms of reference, which were *"Whether the workmen as per Annexure 'A' are entitled to the designations mentioned against their names and if so, to what relief are they entitled, and what directions are necessary in this respect?"* A list of 378 workmen, which was attached as "Annexure-A" to the reference, was relied upon in this regard. The said Industrial Dispute was registered as ID No. 57/2000.

6. In the aforementioned dispute, the respondents/workmen alleged before the learned Industrial Tribunal that the inaction of the appellant management in providing them with their designation as per their work and not paying the minimum wages thereon, was illegal and violative of the relevant provisions of the Factories Act, 1948, the Minimum Wages Act, 1948 as well as the Industrial Employment (Standing Orders) Act, 1946.

7. On the other hand, the appellant management filed its written statement before the learned Industrial Tribunal raising objections over the very maintainability of the industrial dispute in the absence of the cause being properly espoused by the workmen or the Union. Furthermore, it stated that most of the designations sought under the said Annexure-A, did not exist in the Rubber Tyre Industry, or in the factory of the appellant management, therefore, the same cannot be

claimed by the workmen, as they were performing an unskilled nature of work.

8. After considering the submissions and arguments advanced before the learned Industrial Tribunal, two issues were framed by it. The first issue pertained to the proper espousal of the claim and the second issue was with regard to the entitlement to the designation as per the reference.

9. The learned Industrial Tribunal adjudicated the dispute in favour of the workmen and passed an Award dated 29.09.2009, whereby the dispute was found to be properly espoused, and the respondent workmen were held entitled to the designations as per the reference.

10. Aggrieved by the abovementioned Award, the appellant management approached this Court by filing the above-mentioned Writ Petition, being W.P.(C) No. 3014/2010, wherein the learned Single Judge upheld the Award passed by the learned Industrial Tribunal and rejected the contentions raised by the appellant management in the said Writ Petition.

11. In challenge to the findings in the Impugned Judgment, the appellant has approached this Court by way of the present appeal.

SUBMISSIONS ON BEHALF OF THE APPELLANT

12. It is the plea of the appellant that the learned Single Judge has committed a grave error in passing the Impugned Judgment by failing to appreciate the fact that the appellant management had more than 1500 employees, whereas, admittedly, only 378 workers had filed the alleged dispute, out of which only 52 workers led their evidence. It is,

therefore, submitted that the industrial dispute cannot be said to have been validly espoused.

13. It is further submitted by the learned senior counsel for the appellant that the learned Single Judge failed to consider the fact that the onus to prove that the workmen were working as per the designations sought by them in their reference, was upon the workmen themselves. By placing reliance on the Judgment of the Supreme Court in ***Range Forest Officer v. S.T Hadimani,*** (2002) 3 SCC 25**,** it was also contended that merely filing an affidavit in their favour, is only a statement and cannot be regarded as any cogent evidence to discharge them of their onus to prove their entitlement to the designation as per their reference.

14. It is also submitted, that the learned Single Judge disregarded the fact that the workmen failed to make a complaint before the Labour Inspector under the Minimum Wages Act, 1948, to show that they were working as skilled workers and that the learned Industrial Tribunal had wrongly taken into consideration only the oral testimony of the workmen in their favour.

15. In light of the preceding submissions, the learned senior counsel for the appellant submitted that the Impugned Judgment suffers from surmises and conjectures and is thus, liable to be set aside.

ANALYSIS AND FINDINGS

16. We have considered the submissions made by the learned senior counsel for the appellant.

17. Coming to the instant appeal, the scope of interference by this Court is confined to examining whether the learned Single Judge has

committed any error of law in declining to interfere with the Award of the learned Industrial Tribunal in favour of the respondent workmen. This Court's jurisdiction in a Letters Patent Appeal is limited to rectifying errors of law and does not extend to re-appreciation of evidence or substituting its own findings for those of the learned Industrial Tribunal, unless the findings are perverse or lack any evidentiary basis.

18. The learned Single Judge *vide* the Impugned Judgment framed and dealt with two issues pertaining to the instant case. Firstly, whether the dispute before the learned Industrial Tribunal was properly espoused, and secondly, whether the learned Industrial Tribunal rightly decided the designation of the workmen.

19. The central contention of the appellant management is that the learned Single Judge failed to scrutinize the findings of the learned Tribunal *inter alia* on the sufficiency of the material relied upon to draw generalized conclusions across 378 workers. It is their case that the learned Single Judge erroneously adjudicated the aforementioned issues in favour of the workmen and failed to consider the submissions of the appellant management that the dispute of the workmen was not properly espoused and secondly, that they were not entitled to the relief of designation in view of the fact that the workmen failed to produce any cogent evidence to show that they were working as skilled workers.

20. Insofar as the contention of the appellant management that the dispute was not validly espoused by the workmen and thus, did not fall under the ambit of an industrial dispute as per the ID Act is

concerned, we are not impressed with such submission. The learned Industrial Tribunal as well as the learned Single Judge in the Impugned Judgment, have categorically observed that the dispute in the instant case was raised by a group of 378 workers, which in itself is a group of a significant number of workmen who shared common grievances and collectively approached the authorities, suggesting a unified front among the workmen, and indicating that they are capable of supporting each other's grievances.

21. More particularly, the learned Single Judge upheld the finding of the Award by observing that the said dispute was not an isolated issue pertaining to just a single workman. The united front amongst a large number of workmen, advocating against the same grievance, made it apparent on the record that the said group of workmen, 378 in number, out of which 52 representative witnesses were duly examined, who constantly raised their voice for their cause by issuing demand letters seeking designation and consistently supporting each other's claims, constituted as a substantial group of workmen.

22. Reliance in this regard was placed by the learned Single Judge on the Judgments passed by the Supreme Court in ***J.H Jadhav v. Forbes Gokak Ltd,*** (2005) 3 SCC 202 and ***Workmen v. Dharam Pal Prem Chand,*** 1965 SCC OnLine SC 128, to reiterate the observation that the dispute in the present matter involved a significant number of workmen who were capable of espousing the cause for each other.

23. Bearing in mind all the facts and submissions of the appellant management and after duly perusing the relevant material on record, the learned Single Judge classified the dispute of the workmen as

validly espoused, explicitly falling under the ambit of an industrial dispute as per the ID Act. We see no reason to disagree with this finding.

24. In the present case, we find that the dispute in question does not pertain to an individual workman but rather to a large number of workmen collectively raising the dispute before the appropriate government by way of a reference. The action of raising demand letters seeking designation, which went unanswered by the appellant management, further proves on record their common interest. The dispute raised was, therefore, rightly held to be an industrial dispute in terms of the above referred Judgments. The dispute being common to a large section of workmen disputing for a common cause between the workmen and their employer, that is, the appellant management, was, therefore, found to have been validly espoused in the Impugned Judgment and the appellant management has failed to bring out a case for interference with this finding.

25. Now coming to the second issue *qua* the designation, the learned Single Judge upheld the finding of the learned Industrial Tribunal granting designation as claimed by the workmen in reference to Annexure-A and the nature of the job performed by them, except for the workmen who were performing duties of mali, fire-man, loader or simple helper.

26. The learned Single Judge undertook a detailed analysis of the testimony of MW-1 Sh. Harish Bhasin, the Production in-charge, the management's sole witness and found that his own statements given before the learned Industrial Tribunal, established a degree of

specialization and division of labour in the appellant's factory. The learned Single Judge accordingly drew the inference that the use of various machines, the presence of electricians, welders and lathe operators and the complexity of production processes, militated against the blanket classification of all workmen as 'unskilled'.

27. Crucially, MW-1 himself conceded that the operation of electrically driven machinery necessitated specialized knowledge, thereby undermining the management's characterization of the entire workforce as unskilled.

28. The learned Single Judge also rightly noted the internal contradictions in MW-1's deposition, particularly the implausible assertion that one operator could manage 2-3 machines simultaneously, which cast doubt on the credibility of the employer's blanket claims.

29. In our opinion, therefore, the Impugned Judgment does not rest solely on the workmen's affidavits but records that the learned Industrial Tribunal had before it, including the appointment letters, wage slips, their acceptance letters as well as the testimonies of the witnesses, in which neither the learned Industrial Tribunal found any inconsistencies nor did the learned Single Judge in the Impugned Judgment.

30. The learned Single Judge correctly observed that minor inconsistencies in the workmen's depositions did not go to the root of the matter and that the representative evidence of 52 workers, supported by other materials, constituted a valid evidentiary foundation for the learned Industrial Tribunal's Award.

31. Furthermore, this Court finds no merit in the appellant's argument that the learned Single Judge failed to apply the correct legal standards. On the contrary, the Impugned Judgment reflects a consistent application of the principle that the findings of fact by an Industrial Tribunal are entitled to deference unless shown to be perverse or unsupported by any evidence. The learned Single Judge rightly refrained from substituting his own view for that of the learned Industrial Tribunal and appreciated the evidence holistically.

32. In this context, the reliance placed in the Impugned Judgment on ***Sheo Kumar Gupta v. Bhikham Singh,*** 1990 SCC OnLine All 487 was neither misplaced nor mechanically applied. It was cited in the limited context of affirming the legal permissibility of representative testimony in industrial disputes where individual variation is minimal, and the work environment is uniform. The limited scope of interference in a Letters Patent Appeal (LPA) is warranted only if the order/judgment under appeal suffers from patent illegality and the same is not an opportunity for the aggrieved party to reappraise evidence or challenge factual determinations. In this regard, the Supreme Court has held in ***Baddula Lakshmaiah* v. *Sri Anjaneya Swami Temple,*** (1996) 3 SCC 52, as follows:

> *"2……A letters patent appeal, as permitted under the Letters Patent, is normally an intra-court appeal whereunder Letters Patent Bench, sitting as a Court of Correction, corrects it own orders in exercise of the same jurisdiction as was vested in the Single Bench. Such is not an appeal against an order of a subordinate court. In such appellate jurisdiction the High Court exercises the powers of a Court of Error. So understood, the*

appellate power under the Letters Patent is quite distinct, in contrast to what is ordinarily understood in procedural language. …"

33. Keeping in view the above position of law, as well as the facts and circumstances of the present case, this Court is of the considered view that the learned Single Judge committed no error of law that would warrant interference in this appeal. The affirmation of the Tribunal's findings on the issues of espousal and designation was based on a reasoned appreciation of the evidence and fell squarely within the parameters of judicial review.

34. Accordingly, we find no merit in the present appeal. The same stands dismissed.

RENU BHATNAGAR, J.

NAVIN CHAWLA, J.

JULY 01, 2025/sm/kj

Click here to check corrigendum, if any