

Supreme Court of India

Management Of Heavy Engineering ... vs The Presiding Officer And Ors. on 27 January, 1978

Equivalent citations: AIR 1978 SC 978, 1978 (36) FLR 205, (1978) 2 SCC 44, 1978 (10) UJ 140 SC

Author: K Iyer

Bench: V K Iyer, J Singh

JUDGMENT Krishna Iyer, J.

1. The sole question arising in this appeal by certificate under Article 133(1)(c) of the Constitution is as to whether the definition introduced into the Industrial Disputes Act by Section 2A will govern a dispute with reference to a dismissal which has been affected prior to the incorporation of Section 2A in the Act and governs cases where the dismissal has been effected prior to such date. Shri S.N. Prasad with commandable candor even before the arguments commenced, drew our attention to the decision of Rustom And Hornsby (I) Ltd. v. T.K. Kadam (1) where the precise question raised here has been decided against the appellant. The result is that the appellant for whom Shri Prasad appears cannot sustain his appeal in the light of this ruling. We find it difficult to see how the said decision can even be distinguished in any manner. Since that proposition squarely governs the present situation, the appeal must fail. We dismiss the appeal but in the circumstances, without costs.