

Supreme Court of India

Management Of D.T.C. vs B.B.L. Majalay, Presiding ... on 27 January, 1978

Equivalent citations: AIR 1978 SC 764, 1978 (36) FLR 205 a, (1978) 2 SCC 347, 1978 (10) UJ 141 SC

Author: V K Iyer

Bench: J Singh, V K Iyer

JUDGMENT V.R. Krishna Iyer, J.

1. Shri Saharya, when the arguments were opened, expressed his difficulty in unfolding the facts of the case and when it became apparent that the subject matter of the appeal consisted of two trivial sums payable to the former conductors who later dismissed by the appellant, the Delhi Transport Corporation, contended that his client was primarily interested in the question of law as to whether the respondent conductors after their dismissal could rely upon Section 33C(2) of the Industrial Disputes Act for enforcement of arrears of wages due.

2. We are satisfied that the matter involved is so trivial that we should not agitate on this appeal at all. It is not as if once special leave is granted under Article 136 this Court is bound to decide every question of law, be it big, small or petty in the sence of the actual subject matter. In this view we are not inclined to go into the question of law raised before us but make it clear that the position of law canvassed before us by Shri Saharya may await pronouncement in a better case where the stakes have some sensible relation to the special jurisdiction of this Court. We leave the question of law open but unhesitatingly dismiss the appeal.

3. At the time leave was granted this Court ordered the petitioner appellant will pay the costs of the respondent in any event. Therefore we direct that the appellant shall pay the costs of respondents 3 and 4.