

# IN THE SUPREME COURT OF INDIA

Hon'ble Justice R Pathak and Justice V R Krishna Iyer

Workmen Shift In charge ... vs Presiding Officer

Citations: AIR 1980 SC 511 : (1980) 1 SCC 683.

## JUDGMENT

V.R. Krishna Iyer, J.

1. This Civil Appeal springs from an award by the Delhi Industrial Tribunal which is challenged by a small category of workmen who are 200 in number, the only financial impact whereof would be around Rs. 6,000/-. The Industrial dispute which lead to the award relates to the year 1967 and it is unfortunate that the final adjudication of this dispute is being rendered as late as 1979. This provokes the comment that litigation is far too long lived to hold any realistic promise of fruits to the parties to the dispute.

2. The facts accessory to understand the scope of dispute may be stated shortly. The Delhi Electric Supply undertaking employs various workmen under different categories. One of these categories, working in the distribution centers, is known as shift in-charge. These workmen by qualification are matriculates with ITI certificates. There are three categories which are more or less similar but graded one above the other, in this Department. The lowest is known as attendants who are in-charge of minor distribution centers. The highest are known as sub station chargemen who are 'in-charge of very important sub-stations. In between, we have sub-station shift in-charge species with whom we are concerned.

3. Since the subject-matter, financial impact and the number involved are comparatively inconsiderable, no detailed discussion is necessary for a decision. Broad considerations of equity and industrial justice may guide us in reaching a conclusion. The workmen involved, namely, shift in-charge employees, have substantially the same qualifications as those who are paid higher. What is more, their salaries are relatively poor. It is significant that a Committee had been appointed by the Undertaking where both sides were represented and the recommendations unanimously made by that Committee have been accepted in all cases except in the case of the shift in-charge category. We are far from satisfied that any reasonable justification or understandable classification will validate a differentiation in regard to these employees. Indeed, in the course of the arguments, those striking equities emerged and we did suggest to Counsel on both sides that while we are keen on avoiding any consequential upsets in other categories, we regard the implementation of the sub Committee's recommendation eminently fair. Counsel on both sides apparently felt the force of our suggestion, and took time for consultation with their respective clients. Nothing has emerged out of such confabulations and so we proceed to decide the case on merits.

4. Industrial justice is not an application of rigid formulae but, in consonance with Part IV of the Constitution award of wages which are substantially just, subject, of course, to well

recognised principles evolved by this Court. Bearing in mind all these factors, we direct that the award of the Tribunal be modified and the recommendations of the sub-Committee where both sides were represented be substituted. Since the period to which the dispute relates is quite long and many other wage increases have taken place, we do not think any possible repercussions will ensue from such acceptance. We must make it perfectly plain that we treat this dispute as a special case and adapt the course we have done largely influenced by the factor that there are only a few involved and the financial impact is minimal. That is why we wish to emphasise that this decision of ours cannot be the basis for any further claims by the same set of workmen or others in the establishment. Counsel for the appellants assure us on behalf of the Union that no such claim would be made or at all was likely. On this basis we allow the appeal and substitute for the award of the Tribunal the recommendations of the Sub-Committee.