

**SUPREME COURT OF INDIA**

Management of M/s. Heavy Engineering Corporation Ltd.

Vs.

Presiding Officer

C.A.No.652 (L) of 1971

(V. R. Krishna Iyer and Jaswant Singh, JJ.)

27.01.1978

**JUDGEMENT**

**KRISHNA IYER, J.:-**

1. The sole question arising in this appeal by certificate under Art. 133 (1) (c) of the Constitution is as to whether the definition introduced into the Industrial Disputes Act by Section 2-A will govern a dispute with reference to a dismissal which has been effected prior to the incorporation of Section 2-A in the Act and governs cases where the dismissal has been effected prior to such date. Shri S. N. Prasad with commendable candour even before the arguments commenced, drew our attention to the decision of Rustom and Hornsby (I) Ltd. v. T. B. Kadam, (1976) 1 SCR 119 : (AIR 1975 SC 2025) 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.

Appeal dismissed.

