

Workmen Shift Incharge Sub-Station

Vs

Presiding Officer, Addl. Industrial Tribunal, Delhi and Others

Civil Appeal No. 802 (NL) of 1973

(V.R. Krishna Iyer, R.S. Pathak JJ)

13.11.1979

JUDGMENT

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 where of would be around Rs. 6000. The industrial dispute which led 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 necessary to understand the scope of dispute may be stated shortly. The Delhi Electricity Supply Undertaking employs various workmen under different categories. One of these categories, working in the distribution centres, is known as shift incharge. 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 incharge of minor distribution centres. The highest are known as sub-stations chargemen who are incharge of very important sub-stations. In between, we have sub-station shift incharge 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. This workmen involved, namely shift incharge 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 incharge 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, these striking inequities 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 recommendations 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 thin any possible repercussions will ensue from such acceptance. We must make it perfectly plain that we treat this dispute as a special case and adopt 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 who we wish to emphasise that this decision of ours cannot be the basis for any further claims by the same set of workmen to 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.

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