

GAHC010053672017



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/7428/2017

DEPRIVED O.N.G.C. CONTRACTUAL WORKERS UNION
A SOCIETY REGISTERED UNDER THE TRADE UNIONS ACT, 1926,
REPRESENTED BY ITS GENERAL SECRETARY, SMTI. MITALI GUPTA, C/O.
SANNIT ENCLAVE, HOUSE NO. 2, DESHABANDHU ROAD, P.O. SILCHAR-
788005, DIST. CACHAR, ASSAM

VERSUS

OIL and NATURAL GAS CORPN. LTD. and 3 ORS.
REPRESENTED BY THE CHAIRMAN AND MANAGING DIRECTOR, OIL AND
NATURAL GAS CORPORATION, JEEVAN BHARATI, TOWER-II, 124, INDIA
CHAWK, CONNAUGHT PLACE, NEW DELHI-110001.

2:THE GENERAL MANAGER IE/HR
O.N.G.C. LTD.

HIMALAYA IDT CAMPUS 9
KULAGARH ROAD
P.O. DEHRADUN-248195
UTTRAKHAND.

3:THE GENERAL MANAGER
O.N.G.C. LTD.

CACHAR FORWARD BASE
SRIKONA
P.O. SILCHAR-788026
ASSAM.

4:THE PRESIDING OFFICER

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

RAM KRISHNA MISSION ROAD
P.O. GUWAHATI-788007
ASSAM

Advocate for the Petitioner : MR.N DHAR

Advocate for the Respondent : MR G N SAHEWALLA (R1-R3)

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 03.01.2023

Heard Mr. B.K.Sen, the learned counsel appearing on behalf of the petitioner and Mr. G.N.Sahewalla, the learned senior counsel assisted by Mr. M.Sahewalla, the learned counsel appearing on behalf of the respondent Nos. 1, 2 and 3.

2. Taking into account that the presence of the respondent No. 4 is not necessary for the purpose of instant adjudication, the name of the respondent No.4 is struck off.

3. The instant writ petition has been filed by Trade Union in the name and style of Deprived ONGC Contractual Workers' Union, challenging the various orders dated 31.05.2017 and 01.06.2017 passed by the Central Government Industrial Tribunal, Guwahati in Misc. Cases No. 3, 5, 6, 7, 12, 13, 14, 16, 18, 19, 21, 22, 23, 27, 29 of 2013. It may be relevant at this stage to mention that all the above referred Misc. Cases filed before the Central Government Industrial Tribunal-cum-Labour Court, were filed individually by persons under Sub-Section 2 of Section 33 C of the Industrial Disputes Act, 1947. A perusal of the said orders reveal that the said applications were filed by individual applicants who have admittedly filed affidavits in the proceedings before the Supreme Court registered and numbered as Civil Appeal No.4755/2001, wherein, the said applicants had accepted the Goodwill Package Scheme dated 24.01.2007 and unconditionally, voluntarily and unequivocally withdrew themselves from the Court proceedings in C.A. No.4755/2001. The said applicants have also admitted the receipt of the money paid to them by the management of the ONGC. The learned Tribunal taking into account the evidence on record and the clear admission during the cross-examination to the fact that the applicants have duly

accepted the terms and conditions of the Goodwill Package Scheme voluntarily and received the money held that the said application under Section 33 C(2) of the Industrial Disputes Act 1947 for realization of the money from the management was not maintainable and accordingly, the same was dismissed, vide the various orders dated 31.05.2017 and 01.06.2017. However, surprisingly none of these applicants have approached this Court. It is the petitioner which is a Trade Union who has approached this Court challenging those orders passed in various Misc. Cases dated 31.05.2017 and 01.06.2017.

4. It appears from the pleadings of the writ petition that there is no mention whatsoever as to why the petitioner Trade Union has approached this Court challenging those orders and the reasons why the applicants in the various Misc. Cases before the Central Industrial Tribunal did not/could not approach this Court. Considering the above, as the applicants of those Miscellaneous applications, referred to hereinabove, having not approached this Court challenging the orders dated 31.05.2017 and 01.06.2017 respectively in their respective cases, this Court is of the opinion that the petitioner herein cannot maintain the instant writ petition challenging those orders. Under such circumstances, the instant writ petition shall stand dismissed as not maintainable.

5. Apart from the above, this Court is also of the opinion that a perusal of the impugned orders passed by the Tribunal also clearly reflects that the applicants therein had duly accepted the Goodwill Package Scheme dated 24.01.2007 and unconditionally, voluntarily, unequivocally withdrew themselves from the Court proceedings in C.A. No.4755/2001. The same is also based upon evidence as could be seen from a perusal of the impugned orders. In order to challenge those findings, it is those applicants who have to approach this Court and not through a Trade Union, who had not even come into existence as on the date filing those Miscellaneous applications. In that view of the matter, the instant writ petition is also not maintainable.

6. Before concluding, this Court would also take note of that the learned counsel appearing on behalf of the petitioner, submitted that the various applicants on account of the understanding that the petitioner Union can maintain the writ petition have not approached this Court by challenging the impugned orders passed by the Tribunal against them. Under such circumstances, the learned counsel submits that if the individual persons are still aggrieved, the dismissal of the instant writ petition shall not preclude them from filing individual proceedings challenging the orders passed by the learned

Tribunal.

7. Having heard the said submission, this Court makes it clear that the dismissal of the writ petition is on account of *locus standi* of the petitioner and same shall not preclude the individual applicants who were affected by the orders dated 31.05.2017 and 01.06.2017 passed in Misc. Cases No. 3, 5, 6, 7, 12, 13, 14, 16, 18, 19, 21, 22, 23, 27, 29 of 2013 in their respective cases to seek appropriate remedy if otherwise permissible under law. It is also necessary to mention that such liberty cannot be construed in infinity and the person(s) have to seek redressal within a reasonable time.

8. With the above observations and directions, the petition stands dismissed.

JUDGE

Comparing Assistant