

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.03.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No. 10774 of 2016

C.Chinnaiyan

...Petitioner

Vs.

Oil and Natural Gas Corporation Ltd.,
Cauvery Asset,
Neravy Complex, Karaikkal,
Pondicherry.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondent to pay the allowances, leave salary and other benefits to the petitioner, as per his representation, dated 29.01.2016.

For Petitioner: M/s.R.Saritha

O R D E R

The petitioner seeks for issuance of Writ of Mandamus to consider his representation, dated 29.01.2016, to pay allowances, leave salary and other benefits.

2. Heard the learned counsel appearing for the petitioner.

3. The petitioner's case is based upon the award passed by the Industrial Tribunal, Chennai, in I.D.No.66 of 1991, which dispute was raised by the Petroleum Coal Labour Union, represented by its General Secretary on behalf of workmen, who were not regularized in the service of the respondent/Organization. The petitioner would state that he is also one among the workmen, on whose behalf, the dispute was raised. The Industrial Tribunal by award, dated 26.05.1999, directed regularization of the workmen with effect from 14.01.1990, the date on which, all of them, completed 480 days of work. Challenging the said award, the respondent/Organization filed a Writ Petition, being W.P.No.1846 of 2000, and the said Writ Petition was dismissed by this Court by order, dated

04.01.2011, against which, Writ Appeal No.1006 of 2011 was filed before the Hon'ble First Bench of this Court, to which, I was also a party, and the Hon'ble First Bench dismissed the Writ Appeal, by judgment, dated 11.08.2011. As against which, the respondent/Organization filed Civil Appeal before the Hon'ble Supreme Court, and the Hon'ble Supreme Court dismissed the Appeal, by judgment dated 17.04.2015, in Civil Appeal No.3727 of 2014, which was reported in (2015) 6 S.C.C. 494, (Oil and Natural Gas Corporation Vs. Petroleum Coal Labour Union and others). The Hon'ble Supreme Court, while upholding the judgment and orders passed by the High Court in Writ Appeal and Writ Petition respectively, dismissed the Civil Appeal filed by the respondent/Organization, and issued the following directions:-

" The Corporation is directed to comply with the terms and conditions of the award passed by the Tribunal and regularize the services of the workmen concerned in their posts and compute the backwages, monetary benefits and other consequential monetary benefits, including terminal benefits payable to the workmen concerned on the basis of the periodical revision of pay scales application from the date of their entitlement, namely, by regularizing them in their services after their completion of 240 days of service in a calendar year in the Corporation, as provided under clause 2 (ii) of the Certified Standing Orders, within eight weeks from the date of receipt of a copy of this judgment."

Further, the Hon'ble Supreme Court ordered that, if the respondent/Corporation fails to comply with the above direction, the backwages shall be paid with interest at the rate of 9% with further direction to the respondent/Corporation to submit compliance report for its perusal, after a period of eight weeks.

4. Thus, if the grievance of the petitioner is that the direction issued by the Hon'ble Supreme Court has not been complied with in its letter and spirit, it will amount to disobedience of the direction issued by the Hon'ble Supreme Court. That apart, it is not known as to whether the compliance report has been filed by the respondent before the Hon'ble Supreme Court.

5. Since the Writ Petition is disposed of, at the admission stage itself, and considering the nature of order that is to be passed herein, this Court is of the view that notice to the respondent could be dispensed with.

6. Accordingly, there will be a direction to the respondent/Corporation to consider the petitioner's representation, dated 29.01.2016, and pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order, failing which, it is open to the petitioner to initiate appropriate action in the light of the direction issued by the Hon'ble Supreme Court, in Civil Appeal No.3727 of 2014, referred to above.

7. In the result, the Writ Petition is disposed of on the abovesaid terms. No costs.

sd

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

Oil and Natural Gas Corporation Ltd.,
Cauvery Asset,
Neravy Complex, Karaikkal,
Pondicherry.

+ 1 cc to M/s.R.Saritha, Advocate Sr 18286

KR/1/4/16

Writ Petition No.10774 of 2016

सत्यमेव जयते

WEB COPY