

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 358 OF 1997

Dayanand S. Kamble and others ... Petitioners

Versus

Indian Oil Corporation and others ... Respondents

.....

Mr. Firdaus Moosa i/b Prakash Mahadik for Petitioners.

Mr. Anil Kumar for Respondent No.1.

.....

**CORAM: A. A. SAYED AND
M. S. KARNIK, JJ.**

DATE : 27 JUNE, 2017.

P.C.:

1. In view of the law laid down by the Constitution Bench of the Apex Court in *Steel Authority of India Limited and others v/s. National Union Waterfront Workers and others*, (2001) 7 SCC 1, this petition would not survive and Petitioners would have to take recourse to the remedy as laid down by the Apex Court.

2. Learned Counsel for the Petitioners has informed the Court that the Petitioners have raised a demand vide demand notice

dated 31st August 2004 and called upon the appropriate Government viz. Respondent No.5-Union of India to make a Reference to the Industrial Tribunal under Section 10(1) of the Central Disputes Act, 1947. She has pointed out that Respondent No.5-Union of India has not yet taken a decision on the Reference.

3. In the circumstances, we pass the following order :

ORDER

- (i) Respondent No.5-Union of India to take a decision on the Reference within a period of eight weeks from today.
- (ii) The Petitioners would be at liberty to take recourse to the remedy as laid down by the Judgment in ***Steel Authority of India Limited and others v/s. National Union Waterfront Workers and others (supra)*** and apply for appropriate interim reliefs before the Industrial Tribunal in the event the Reference is permitted.

- (iii) The interim relief granted by this Court shall continue to operate for a period of ten weeks from today.
- (iv) Liberty to apply in the event the Respondent No.5- Union of India does not take the decision within the time specified above.
- (v) The Petition is disposed of. Rule is made partly absolute accordingly.

(M. S. KARNIK, J.)

(A. A. SAYED, J.)