

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Amk

LETTERS PATENT APPEAL NO. 123 OF 2007
IN
WRIT PETITION NO. 7534 OF 2006
WITH
LETTERS PATENT APPEAL NO. 124 OF 2007
IN
WRIT PETITION NO. 7535 OF 2006
WITH
LETTERS PATENT APPEAL NO. 125 OF 2007
IN
WRIT PETITION NO. 7536 OF 2006
WITH
LETTERS PATENT APPEAL NO. 126 OF 2007
IN
WRIT PETITION NO. 7537 OF 2006

Oil and Natural Gas Corporation Ltd. .. Appellant
Vs.
Transport & Dock Workers Union & Ors. .. Respondents

Mr. Sudhir Talsania, Senior Advocate a/w. Mr. Aziz Khan i/b Divya
Shah Associates for the Appellant.
Mr. Prakash Mahadik for Respondent No.1.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 11th NOVEMBER, 2019.

P. C. :

1. Opining that an industrial dispute existed between the employer-employees in relation to the management of ONGC, on 16.04.2004 the Central Government issued a notification under Section 10 of the

Industrial Disputes Act, 1947. The reference made to the Industrial Tribunal reads as under :

- “j) Whether the contract between Oil and Natural Gas Corporation Ltd. (ONGC) and the existing contractor/s is a sham and bogus one and is a camouflage to deprive the concerned employees represented by the petitioner herein of benefits available to the permanent workman of ONGC?*
- k) Whether the Workman represented by the Petitioner Union herein, employed through the contractor/s by ONGC should be declared as permanent workman of ONGC?”*

2. The Industrial Tribunal, on an interim application filed by the Union of Workmen passed an order dated 17.08.2006 directing status-quo to be maintained.
3. The said order dated 17.08.2006 was challenged by the Appellant by way of Writ Petition No. 7534 of 2006 and three other connected Petitions all of which have been dismissed vide impugned order dated 07.03.2007.
4. In the four Appeals challenge is to the singular order dated 07.03.2007 dismissing the four Writ Petitions filed.
5. In the Appeals the order passed by the Industrial Tribunal directing status quo to be maintained has not been stayed and the effect thereof is that save and except the said workmen who have voluntarily abandoned the duties litigation continues qua the remainder.
6. They are not inclined to deal with the merit of the controversy for the reason the status quo directed to be maintained by the Industrial Tribunal on 17.08.2006 has ensued till today.

7. Noting that the reference was made to the Central Government Industrial Tribunal-2, Mumbai way back on 16.04.2004, while dismissing the Appeals we direct the Central Government Industrial Tribunal-2, Mumbai to decide the reference positively within six months from today.

8. Needless to state, such workmen who have voluntarily abandoned the job and to such workmen who have entered into a settlement with ONGC and applications to said effect have been filed would be taken note of by the Industrial Tribunal.

[SMT. BHARATI DANGRE, J.]

[CHIEF JUSTICE]

**Arjun
M.
Kadam**

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by Arjun M.
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