

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

WRIT PETITION NO. 3038 OF 2022

Bharat Petroleum Corporation	}	
Refinery Employee's Union	}	
and Ors.	}	Petitioners
versus		
Union of India and Ors.	}	Respondents

Mr. Bennet D'costa for the petitioners.

Mr. Jitendra Oak i/b. Mr. R. R. Shetty and Mr. A. A. Garge for respondents 1 and 2.

Mr. Hemant Haryan, AGP for respondent no. 3 (State).

Mr. R. S. Pai with Mr. Anand Pai and Mr. Rahul Sanghvi i/b. M/s. Sanjay Udesb and Co. for respondent no. 4.

**CORAM: DIPANKAR DATTA, CJ. &
ABHAY AHUJA, J.**

DATE: NOVEMBER 22, 2022

P.C.:

1. The 4 (four) petitioners before us are the trade unions of the employees of Bharat Petroleum Corporation Limited, the respondent no. 4. Differences having arisen between the employees and the respondent no. 4, a reference has been made in terms of the provisions contained in section 10 of the Industrial Disputes Act, 1947 by the Central Government to the Central Government Industrial Tribunal No. 1, Mumbai (hereafter "the CGIT No. 1, Mumbai", for short) to adjudicate the following questions: -

"1. Whether the demands enumerated in the charter of demands raised by the unions in relation with long term settlement of wages and service conditions and in particular removal of clauses 1(f) and 100% DA merger and 15% fitment benefit and national basis maxima for Grade 9 are proper, legal and justified? If yes, what relief the Unions are entitled to and what directions, if any, are necessary in the matter?

2. Whether the offers made by the Management in relation with long term settlement of wages and service conditions in the context of DPE guidelines and wage settlement of similar industries, are fair, just and reasonable? If not, what reliefs the unions are entitled to? What directions, if any, are necessary in the matter?"

2. In view of the vacancy in the office of the Presiding Officer, CGIT No. 1, Mumbai, this writ petition was presented before this Court on 4th May 2022, *inter alia*, seeking the following reliefs: -

"a) to issue a Writ of mandamus or any other Writ, Order and/or direction to the appropriate Government being the Central Government to transfer the reference no. L-30011/9/2021-IR (M) being proceeding Reference No. CGIT-1/13 of 2021 to any Industrial Tribunal at Maharashtra, Mumbai for adjudication.

b) for a direction to the State Government through Department of Labour to issue necessary notification to the Gazette and the President Industrial Tribunal at Maharashtra, Mumbai to assign the matter to the appropriate Tribunal."

3. We are informed by Mr. D'costa, learned advocate for the petitioner, which is not disputed by the learned advocates appearing for the respondents, that the Presiding Officer, CGIT, Kolkata has been given additional charge of the office of the Presiding Officer, CGIT-1, Mumbai and that proceedings are scheduled to be conducted on 28th to 30th November 2022, in Mumbai by the former.

4. In view thereof, the petitioners shall be at liberty to move the Presiding Officer, who would be in-charge of the CGIT No. 1, Mumbai for having the reference heard in the light of the order dated 4th October 2022 passed by a learned Single Judge of this Court in Writ Petition (L) No. 25000 of 2022.

5. With the aforesaid liberty, the writ petition stands disposed of. No costs.

6. All contentions are left open.

SALUNKE
J V

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by SALUNKE J V
Date: 2022.11.23
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(ABHAY AHUJA, J.)

(CHIEF JUSTICE)