

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.148 OF 2021
IN
WRIT PETITION NO.13015 OF 2019

SHALIGRAM G. MISHRA
PRESIDENT,
OIL FIELD EMPLOYEES ASSOCIATION

....Petitioner

V/S
SHASHI SHANKAR
CMG ONGC & ORS.

....Respondents

...

Mr. Shaligram G. Mishra – Petitioner in person.

Mr. Gobindram D. Talreja i/b M/s. Gobindram D. Talreja & Associates for
Respondent-ONGC.

...

CORAM : SANDEEP V. MARNE, J.
DATE : JANUARY 11, 2024.

P.C.:

1 This Contempt Petition is filed alleging breach of order dated 30 January 2020 passed by this Court. By that order this Court has set aside the operative order of the Central Government Industrial Tribunal (**CGIT**) and has remitted the reference to the CGIT for fresh decision on individual wage scales and consolidated wage scales payable to the contract workmen of the ONGC working at 12 Victoria Dock of Mumbai Port Trust and Nhava Supply Base and also to other workmen covered by the reference. An arrangement is made by this Court for payment of wages during pendency of the remanded reference by giving directions. The said directions read thus:

“24 Pending hearing and final disposal of the reference and remand, interim wages shall be paid to the concerned workmen by ONGC for the whole of the period of revision in accordance with MoS of 19 September 2016 and also prospectively from the month of March 2020.”

2 The Contempt Petition is filed alleging that the Respondents are not implementing the directions in paragraph 24 by not paying the wages as per the directives of this Court to the concerned workmen. A dispute of fact has arisen between the parties as to who can be treated as ‘concerned workmen’. It appears that the Respondent ONGC identified 231 workers entitled to receive amounts towards implementation of directions in paragraph 24 of the order dated 30 January 2020.

3 Mr. Talreja, the learned Counsel appearing for ONGC would submit that out of said 231 workers amounts have been paid to 230 workers. Mr. Mishra-Petitioner-in-person would submit that the amounts paid to said 230 workers is not correct and less amount has been paid to them. This dispute about computation of amount to be paid towards implementation of paragraph 24 of the order dated 30 January 2020 cannot be decided in contempt jurisdiction.

4 The second grievance of Mr. Mishra is that there are far more number of workers than the one identified by the ONGC for making of payments as per paragraph 24 of the order. To address this grievance of

the Petitioner, this Court has directed the Deputy Chief Labour Commissioner to resolve the issue about the exact number of workers who can be held eligible for making of payments as per paragraph 24 of the order. It appears that the proceeding before the Deputy Chief Labour Commissioner continues to remain pending and the Deputy Chief Labour Commissioner is yet to give a final finding about the exact workers who would be eligible to claim benefits of paragraph 24 of the order. In my view, the Contempt Petition cannot be kept pending indefinitely and the Deputy Chief Labour Commissioner must take a final decision about the exact workers eligible to get benefits of paragraph 24 of the order.

5 The Deputy Chief Labour Commissioner is accordingly directed to take a final decision with regard to the exact number of workers eligible to get benefits of paragraph 24 of the order by 29 February 2024. Both the parties shall co-operate with the Deputy Chief Labour Commissioner to take a final decision in this regard. Mr. Talreja fairly submits that ONGC shall pay to the workers amounts as per paragraph 24 of the order who are held eligible by the Deputy Chief Labour Commissioner. In respect of the persons who are held to be ineligible by the Deputy Chief Labour Commissioner, they would be at liberty to file appropriate proceedings in that regard. Even with regard to the quantification of amounts already paid to 230 workers as well as payable to the workers held to be eligible in future, they shall be at liberty to adopt appropriate remedies with regard to quantification of the amounts. Also in the event ONGC fails to make payment to the workers held eligible by the Deputy Chief Labour

Commissioner, Petitioner would be at liberty to file a fresh Contempt Petition.

6 Mr. Mishra would raise a grievance that despite passage of substantial period of time, the CGIT has failed to decide the reference which is remitted for fresh decision by this Court. It appears that as of now the posts of Members in CGIT at Mumbai are vacant. This Court expresses a hope and trust that the posts are filled up in an expeditious manner and that the remitted reference is decided as expeditiously as possible. If in the event the reference is not decided by the end of 2024, it shall be open to the Petitioner to apply to this Court to seek appropriate directions in this regard.

7 With the above directions, the Contempt Petition is disposed of.

(SANDEEP V. MARNE, J.)

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