

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8701 OF 2025

Petroleum Employees Union ...Petitioner

Versus

Oil and Natural Gas Corporation Ltd. & Anr. ...Respondents

Mr. Yogendra M. Pendse, Advocate for the Petitioner.

Mr. Gobindram D. Talreja a/w Mr. Rahul Mantri i/by Gobindram Talreja & Associates for Respondent No.1/ONGC.

Ms. Anjali Helekar a/w Ms. Anu Kaldharan, Advocate for Respondent No.2/UOI.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 20th SEPTEMBER, 2025

P.C. :-

1. We are informed by the learned Advocates for the respective sides that a new Incharge Presiding Officer has been appointed. The reference (IT) No.51 of 2025 is pending adjudication. Notices have been recently issued and yesterday was the date of hearing.

2. The learned Advocate for the Management submits that the Petitioner will now have to file their statement of claim in the

capacity of being the second party workmen/union. Thereafter, the Management would file their written statement in the capacity of being the first party Management.

3. The learned Advocate for the Petitioner urged us to grant a timeline for deciding the reference case. We would have acceded to the said request had the reference case been old. Its a fresh proceeding of 2025. Several employees and Unions are in queue for an early hearing in their matters. We cannot treat this case as a special case and grant an out of turn hearing, and that to within a timeline.

4. In view of the above, we would reasonably expect the Tribunal to make an endeavour to decide the reference case within a period of three years. If that does not happen, the Petitioner may be at liberty to request for an expedited hearing.

5. We are informed that the period for which the notice of change under Section 9-A of the Industrial Disputes Act, 1947 was issued, has expired. In our view, considering the scheme under the Industrial Disputes Act, 1947, the cause of action is not put to rest.

If the Union has suffered on account of the notice of change or for any other attending circumstances or actions of the employer, the proceedings would relate back to the date of the cause of action and the matter would not be rendered infructuous.

6. We have considered the preliminary objections raised by the Management. We find that the same are misconceived. If there is no presiding officer on a Tribunal and if this Court could be a remedy, the said remedy would not be barred. Hence, the preliminary objections stand rejected.

7. In the light of the above, this **Writ Petition is disposed off.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)