

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11567 OF 2025
WITH
INTERIM APPLICATION NO. 12600 OF 2025
IN
WRIT PETITION NO. 11567 OF 2025**

Oil and Natural Gas Corporation Ltd. ... Petitioner/Applicant
vs.

Oil Field Employees Association, and others ... Respondents

Mr. J. P. Cama, Senior Advocate a/w. Mr. Gobindram D. Talreja for
Petitioner/Applicant.

Mr. Shaligram G. Mishra, Respondent No.1 in person.

Mr. Arshad Shaikh, Senior Advocate, a/w. Ms. Seema Chopda and Mr. T. R.
Yadav for Respondent Nos.2 and 3-Trade Unions.

**CORAM : MANISH PITALE, J.
RESERVED ON: 18th DECEMBER, 2025
PRONOUNCED ON: 4th FEBRUARY, 2026**

ORDER :

. The petitioner-Oil and National Gas Corporation Ltd. (hereinafter referred to as the corporation) has filed the present writ petition, challenging an award dated 16.04.2025, passed by the Central Government Industrial Tribunal-II, Mumbai (hereinafter referred to as the tribunal), whereby a reference has been answered in the affirmative and the petitioner-corporation has been directed to execute Memorandum of Understanding (MOU) with the respondents-trade unions with effect from 01.01.2008, for revision of wages, as shown in the chart attached to the award.

2. This is the second round of litigation before this Court, as an earlier award passed by the tribunal, was partly set aside by a learned Single Judge of this Court by order dated 30.01.2020 passed in Writ Petition No.13015 of 2019, whereby the findings on issue

Nos.1 to 6 pertaining to the maintainability of reference and other such issues were upheld. But the manner of granting actual relief to the workers, was found to be erroneous. Accordingly, the matter was remanded back to the tribunal, only to the said limited extent. It is in pursuance of the said order of remand, passed by this Court, confirmed by the Supreme Court, that the tribunal took up the matter and passed the impugned award dated 16.04.2025.

3. Before considering the rival submissions, a brief reference to the chronology of events, leading to filing of the present petition, would be appropriate.

4. The petitioner-corporation is a public sector undertaking involved in the activity of exploration and mining of hydrocarbons throughout India. It engages contractors to carry out miscellaneous works in its various establishments and in that context, it has executed memoranda of understanding (MOUs) with the workers' unions, representing the workers employed through the contractors, for fixing their wages and allowances. Such MOUs were signed in the years 1992, 1995 and 2000. On expiry of the last MOU, the workers' unions demanded execution of a fresh MOU with effect from 01.01.2008 and since such fresh MOU could not be executed, the matter reached the Labour Commissioner in the form of Charter of Demands made by the respondent No.1-Union. This led to the subject reference to the tribunal in which respondent Nos.2 and 3-unions were subsequently joined as parties.

5. There is no dispute about the fact that the MOUs were signed on the lines of settlements executed between the then Bombay Port Trust and now the Mumbai Port Trust (hereinafter referred to as the MbPT) and its workers. The respondents-unions demanded that a fresh MOU be executed with effect from 01.01.2008 on the lines of

the MbPT settlement. The respondent No.1 as well as respondent Nos.2 and 3-unions filed their statements of claims in the reference proceedings. Written statements were filed on behalf of the petitioner-corporation. Upon completion of pleadings, the parties led evidence and this culminated into the initial award passed in the reference proceedings by the tribunal. In the said award, findings were rendered in favour of the respondents-unions in respect of issue Nos.1 to 6, pertaining to maintainability of the reference and other issues, while on issue No.7, instead of working out individual wage revisions for the three categories of workers i.e. unskilled, semi-skilled and skilled, the tribunal left it to the parties to work out the details in line with MbPT settlements.

6. The petitioner-corporation filed Writ Petition No.13015 of 2019, challenging the said award of the tribunal dated 17.07.2019. By judgment and order dated 30.01.2020, a learned Single Judge of this Court partly allowed the writ petition. The findings on issue Nos.1 to 6 were upheld. But, it was concluded that the tribunal had committed error in not working out individual wage revisions for the different categories of workers. It was held that the tribunal ought to have worked out the details of wage revision in line with the MbPT settlement. Accordingly, the matter was remanded back to the tribunal for the limited purpose of deciding the individual wage scales as also consolidated wages payable for the different categories of workers. It was specifically directed that pending the hearing and final disposal of the reference on remand, interim wages would be paid to the concerned workers by the petitioner-corporation for the whole period of revision, in accordance with the memorandum of settlement of 19.09.2016. Since the writ petition was disposed of on 30.01.2020, it was directed that the same shall be done prospectively also from the month of March 2020.

7. Aggrieved by the said order of the learned Single Judge of this Court in Writ Petition No.13015 of 2019, the petitioner-corporation filed Special Leave Petition (Civil) No.9456 of 2020. On 16.10.2020, while issuing notice, the Supreme Court granted interim stay to the order of the learned Single Judge of this Court. However, the direction issued by the learned Single Judge of this Court regarding payment of interim wages to the workers, was not stayed. It is undisputed that the special leave petition was eventually dismissed by the Supreme Court by order dated 04.02.2022. Hence, the order passed by the learned Single Judge of this Court on 30.01.2020, remitting the matter back to the tribunal, was upheld.

8. Thereafter, the petitioner-corporation moved certain applications, seeking permission to lead evidence before the tribunal, which were opposed by the respondents-unions on the ground that the order of the learned Single Judge of this Court, remitting the matter back to the tribunal, had specifically directed individual wage revisions of various categories of the workers, to be undertaken in line with the MbPT settlement. The tribunal rejected the applications filed by the petitioner-corporation. Aggrieved by the same, the petitioner-corporation filed Writ Petition (Lodging) No.30843 of 2024. By order dated 15.10.2024, a learned Single Judge of this Court dismissed the same with costs of ₹ 10,000/-.

9. Thereafter, the tribunal took up the matter for hearing and final disposal. By the impugned award dated 16.04.2025, it was held that the findings on issue Nos.1 to 6 were already given by the predecessor and upheld by this Court. As a result, the tribunal considered only issue No.7, which pertained to entitlement of the respondents-workers through their unions, for relief of revision of wages and allowances, as claimed in their statements of claims.

10. In the impugned award, the tribunal determined revision of wages and allowances of unskilled and semi-skilled workers with reference to the MbPT settlement and eventually, answered the reference in the affirmative, further directing that wage revision would be in terms of the chart attached to the award.

11. Mr. Cama, learned senior counsel appearing for the petitioner-corporation submitted that the impugned award determined the revised wages and settlements only in respect of unskilled and semi-skilled workers, completely ignoring the category of skilled workers. It was submitted that the matter was remanded to the tribunal to work out the revision for all the three categories of workers and the tribunal having failed to determine the revision pertaining to the category of skilled workers, demonstrated the first error in the approach adopted by the tribunal. It was submitted that the failure to determine the revision of wages of the category of skilled workers, creates a difficulty for the petitioner-corporation, as the said category of workers would continue to agitate, leading to industrial unrest.

12. It was further submitted that the fact that there are skilled workers, has been confirmed even during the course of hearing by the president of respondent No.1-union, who has appeared in person in this petition. In this context, reference was also made to the three earlier MOUs dated 15.01.1992, 12.07.1995 and 29.12.2000, executed between the petitioner-corporation and respondents-unions, emphasizing that in all the said MOUs, the category of skilled workers was very much part of consideration and therefore, the tribunal, in the impugned award, wrongly proceeded on the basis that there were only two categories of workers, viz. skilled and semi-skilled.

13. It was further submitted that the tribunal proceeded on the

basis that most of the workers of Nhava Supply Base had accepted the settlement of 19.09.2016 and that therefore, it was not necessary to consider the said aspect of the matter. This had the result of leaving out of consideration seven workers at Nhava Supply Base. It was claimed that when the matter was remanded to the tribunal, the grievance of all the workers specified therein, had to be considered and decided. But, the tribunal failed to consider the seven workers at Nhava Supply Base, which would lead to an anomaly.

14. It was further submitted that although the grievance of the workers of the petitioner-corporation at other establishments at Mumbai, was to be considered only for consolidated wages and the tribunal also started the consideration with this understanding of the matter, while determining the consolidated wages in line with the MbPT settlement, it has applied formulae that show determination of revised wages in the form of regular pay scales, including components like quarterly fitment, House Rent Allowance (HRA), double increment, etc. It was submitted that even the placement of basic pay scales was not in line with the MbPT settlement and in that context, specific reference was made to the appendix of the MbPT settlement showing existing pay scales and corresponding revised pay scales. It was submitted that the figures did not match at all, demonstrating further error committed by the tribunal.

15. It was emphasized that such an error had crept into the impugned award, for the reason that no opportunity was granted to the petitioner-corporation to place its contentions with regard to what could be the revised consolidated wages in line with the MbPT settlement. It was alleged that the tribunal went on to consider the material without granting any opportunity to the petitioner-corporation and therefore, the impugned award is rendered erroneous. It was submitted that although the applications moved by

the petitioner-corporation for leading further evidence, were rejected, the petitioner-corporation was at least entitled to be heard on the formulae and the principle applied by the tribunal to determine the consolidated wages in line with the MbPT settlement. Hence, it was submitted that the tribunal had gone astray and beyond the purpose for which the matter was remitted by this Court.

16. In this context, reliance was placed on the judgment of the Supreme Court in the case of *Regional Manager, SBI vs. Rakesh Kumar Tewari* [(2006) 1 SCC 530]. It was submitted that in such a situation, this Court exercising jurisdiction under Article 226 of the Constitution of India, could certainly interfere for remitting the matter back to the tribunal for proper determination of the revision of wages. It was submitted that notwithstanding the limited jurisdiction available to this Court, upon which the respondents-unions have been harping, a case is made out for interference with the impugned award, so that the principle and formulae on the basis of which revision of wages is directed, is discernible from the approach adopted by the tribunal. This would require consideration afresh.

17. On the aspect of resultant delay, it was submitted that the petitioner-corporation was equally entitled for a fair consideration of its point of view and material. It was undertaken that the petitioner-corporation will fully co-operate with the tribunal, in the event this Court agrees with the contention that the impugned award deserves to be set aside and the matter needs to be remitted to the tribunal, to be decided in a time-bound manner.

18. Respondent No.1-union was represented by its president Mr. Shaligram G. Mishra, who appeared in person. He made elaborate submissions on how the workers have been struggling for a

number of years, as the reference was made as far back as in the year 2017. It was submitted that when this Court remitted the matter back by its order dated 30.01.2020, it was expected that the tribunal would decide the matter expeditiously and yet, it took more than 5 years for the tribunal to pass the impugned award. Hence, it was submitted that this Court may not consider the prayer made on behalf of the petitioner-corporation for another round of litigation before the tribunal.

19. But, in the submissions made by the said party appearing in person, it was stated that there were indeed certain defects in the approach adopted by the tribunal. The fact that there are about 200 skilled workers, was not denied, although it was claimed that the determination of revision of wages for the said category of skilled workers, could be done in a fashion similar to the unskilled and semi-skilled categories of workers. It was further submitted that the formulae on the basis of which the tribunal had arrived at its finding, even if not directly found in the award, could clearly be placed before this Court and in that context, certain formulae were indeed stated during the course of arguments and even in the written submissions filed on behalf of respondent No.1. Much emphasis was placed on the observations made by the learned Single Judge of this Court in the order dated 15.10.2024 passed in Writ Petition (Lodging) No.30843 of 2024, while dismissing the said petition with costs, to the effect that public sector understandings, like the petitioner herein, were also behaving like private employers and adopting their methods and practices. It was also indicated that the petitioner-corporation and respondent Nos.2 and 3-unions were all responsible for the delay in the workers receiving their dues.

20. Mr. Arshad Ansari, learned senior counsel appearing for respondent Nos.2 and 3-unions, submitted that the contentions

raised on behalf of the petitioners cannot be considered, in view of the fact that this Court is exercising power under Article 226/227 of the Constitution of India. By placing reliance on the judgments of the Supreme Court in the case of *Mohd. Yunus vs. Mohd. Mustaqim and others* [(1983) 4 SCC 566], *Surya Dev Rai vs. Ram Chander Rai and others* [(2003) 6 SCC 675] and *ONGC Ltd. vs. Sendhabhai Vastram Patel and others* [(2005) 6 SCC 454], it was submitted that while exercising writ jurisdiction, this Court may not strike down even a wrong order and it may refuse discretionary relief. It was submitted that while exercising supervisory jurisdiction in this petition, this Court cannot convert itself into a Court of appeal by indulging in re-appreciation of evidence and that this Court need not correct every error in the impugned award.

21. It was submitted that the tribunal being a specialised body/Court for considering such matters with regard to revision of wages of workers and such a specialised tribunal having exercised its power and discretion, based on the material placed on record, this Court, in the present petition, cannot go into the correctness or otherwise of the conclusions. It was submitted that the tribunal did apply the MbPT settlement and after applying the formulae, reached specific findings with regard to the revision of wages and hence, there was no question of interference. It was further submitted that there were only two categories of workers viz. unskilled and semi-skilled, whose wages had to be calculated and therefore, no error can be attributed to the impugned award for having proceeded on that basis. It was submitted that the impugned award contained charts, which took into consideration various heads of wages and allowances and therefore, the purpose for which the matter had been remanded to the tribunal, was duly satisfied. It was submitted that therefore, no interference in the impugned award is warranted. Hence, the present

petition deserves to be dismissed.

22. Having heard the parties, this Court finds that the correctness or otherwise of the impugned award passed by the tribunal, will have to be tested on the basis of the order dated 30.01.2020 passed by the learned Single Judge of this Court in Writ Petition No. 13015 of 2019, when the matter was remitted back to the tribunal for consideration afresh on specific issues. While doing so, this Court is conscious of the nature of the jurisdiction being exercised in this writ petition filed under Article 226/227 of the Constitution of India. The writ of certiorari and the supervisory jurisdiction of this Court can be exercised in specific situations and this petition cannot be treated as an appeal, challenging the impugned award passed by the reference Court.

23. In this context, the contention raised on behalf of the respondents is correct that this Court will not convert itself into a Court of appeal and indulge in re-appreciation or re-evaluation of evidence or correct errors in drawing inferences, as laid down by the Supreme Court in the case of *Surya Dev Rai v/s. Ram Chander Rai & Ors. (supra)*. This Court is not expected to correct errors merely because it thinks that another view may be possible on the issue at hand. There can be no quarrel with the proposition laid down by the Supreme Court in the aforesaid judgment as well as judgments in the cases of *Mohd. Yunus v/s. Mohd. Mustaqim & Ors. (supra)* and *ONGC Ltd. v/s. Sendhabhai Vastram Patel & Ors. (supra)*, upon which reliance has been placed on behalf of the respondents. In fact, it was not even contended on behalf of the petitioner-corporation that this Court should enter into appreciation of evidence or sit as a Court of appeal on the findings rendered by the tribunal in the impugned award. It has been emphasized on behalf of the petitioner-corporation that the tribunal had erred in exercising its jurisdiction in

an appropriate manner as the approach adopted by it in reaching findings was flawed and that the impugned award does not divulge the basis on which the findings have been rendered. Therefore, this Court is proceeding to consider the rival submissions in this backdrop.

24. As noted hereinabove, it is important to refer to the order passed by the learned Single Judge of this Court on 30.01.2020 in Writ Petition No. 13015 of 2019, whereby the earlier award passed by the tribunal was partly set aside, as the operative portion was found to be unsustainable and the matter was remitted to the tribunal for consideration afresh on specific issues. The relevant portion of the said order, reads as follows :

“22. The writ petition is, accordingly, disposed of by setting aside the operative order passed by CGIT and remitting the reference, being Reference No.CGIT-2/40 of 2017, to CGIT-2, Mumbai for fresh decision on (i) individual wage scales and (ii) consolidated wages payable, respectively, to the contract workmen of ONGC working at (i) 12 Victoria Dock and Nhava Supply Base and (ii) the other workmen covered by the reference. It is made clear that such determination must be in the light of what has been observed above, in particular that the wage revision/s of these workmen has/have to be on the lines of the wage revision/s applicable to workmen of MbPT, which are placed before the court (i.e. MbPT settlements applicable for the period from 2007 to 2011 and from 2012 to 2016.)”

25. Thus, the issues for consideration were brought into sharp focus and the tribunal was expected to consider the same to render findings on the claims made on behalf of the workers by the respondents-unions for wage revision in line with revisions made applicable to workers of Mumbai Port Trust, as per MbPT settlement.

26. The reference was made before the tribunal in the backdrop of the three MOUs executed between the petitioner-corporation and the workers union dated 15.01.1992, 12.07.1995 and 29.12.2000. The

workers through their unions, in their statements of claim, sought a direction for appropriate MOU being executed for the period from 01.01.2008, as their demand for such MOU for wage revision had not resulted in any positive outcome. The Labour Commissioner was constrained to refer the matter to the tribunal. The aforementioned order dated 30.01.2020 passed by the learned Single Judge of this Court in Writ Petition No. 13015 of 2019, upheld by the Supreme Court, had agreed with the findings rendered by the tribunal in its earlier award dated 17.07.2019, except for the issue pertaining to individual wage revisions of workers belonging to various categories. The matter was remanded to the tribunal, only to the limited extent noted hereinabove. Thus, the tribunal in the impugned award dated 16.04.2025, was clearly justified in holding that findings were already rendered by the predecessor on issue Nos.1 to 6 and that only issue No.7 was required to be decided.

27. While proceeding to decide the said issue, the tribunal in the impugned award at paragraph 15 observed that it had come on record that there were only two categories of workers i.e. unskilled and semi-skilled. A specific ground of challenge is raised on behalf of the petitioner-corporation that the category of skilled workers was completely ignored by the tribunal. The only response on behalf of the respondent Nos.2 and 3-unions is that the tribunal was justified in proceeding to decide wage revision for only two categories of employees i.e. unskilled and semi-skilled. It was claimed that in any case, there were no employees of the skilled category requiring consideration. This has been specifically disputed by the petitioner-corporation. It is relevant to note that the respondent No.1-union appearing through its President-in-person in this Court, conceded that there are indeed workers covered under the category of skilled workers and that their number is around 200.

28. Apart from this, the aforesaid three MOUs dated 15.01.1992, 12.07.1995 and 29.12.2000, do specifically refer to the category of “skilled workers”. In the MOUs dated 15.01.1992 and 12.07.1995, after referring to the two categories of workers i.e. unskilled and semi-skilled, it is specifically noted that the cases of skilled workers would be examined jointly by the parties keeping in view the requirements of job, qualifications and experience, etc. MOU dated 29.12.2000 also refers to the category of skilled workers and at annexure 1, even specifies the consolidated wages of the category of skilled workers as on 01.01.1998, along with specifying such consolidated wages for the category of workers belonging to unskilled and semi-skilled categories. In the statements of claim filed on behalf of the respondents-unions also, it was not claimed that only the cause of workers belonging to the categories of unskilled and semi-skilled was being espoused. As a matter of fact, the statements of claim pertained to the claims of all categories workers, in the light of MbPT settlements. The respondent No.1-union conceded before this Court that there are indeed approximately 200 skilled workers, whose wage revision is also required to be undertaken. But, it was claimed that their wage revision could also be undertaken in the same fashion as was undertaken by the tribunal for the remaining two categories.

29. This Court finds that in the face of such material and the contentions raised on behalf of the rival parties, there can be no doubt that the tribunal committed an error in proceeding on the basis that wage revision of only two categories of workers i.e. skilled and semi-skilled was to be undertaken. There is nothing in the aforesaid order dated 30.01.2020 passed by the learned Single Judge of this Court in Writ Petition No. 13015 of 2019 to indicate that wage revision of only two categories of workers was to be undertaken and

that there was no necessity of considering wage revision of the category of skilled workers.

30. To this extent, there is indeed an error committed by the tribunal while passing the impugned award. We do find substance in the contention raised on behalf of the petitioner-corporation that when the wage revision of workers belonging to the skilled category is ignored and not undertaken, there is every possibility of industrial unrest amongst the workers. This is because wage revision would be granted to workers belonging to categories of unskilled and semi-skilled, while the grievance of the workers belonging to the skilled category would remain ignored. The whole purpose of the reference was to address the grievances of all categories of workers, which the tribunal failed to appreciate while proceeding on the basis that wage revision of only unskilled and semi-skilled workers was to be undertaken.

31. This Court also finds substance in the contention raised on behalf of the petitioner-corporation that the tribunal erroneously observed that “most of the workmen” of Nhava Supply Base had accepted the settlement of 1996 and therefore, none of them were available for the present settlement. It is pointed out on facts on behalf of the petitioner, which the respondents-unions could not deny, that there are seven workers from the Nhava Supply Base in respect of whom appropriate revision of pay scales was to be undertaken. The fact that the said workers were completely left out would also lead to their grievances remaining unanswered, despite the fact that the learned Single Judge of this Court in the above quoted portion of the order dated 30.01.2020 passed in Writ Petition No. 13015 of 2019, had directed that upon the matter being remitted, the tribunal shall render fresh decision on individual wage scales, as also consolidated wages payable to workers. This further

indicates the error committed by the tribunal while considering the matter afresh, upon remand by this Court.

32. No error can be attributed to the tribunal when it proceeded on the basis that revision of “consolidated wages” was to be determined for workers of the petitioner-corporation at other locations in Mumbai. But, in the process of proceeding to determine revision of such consolidated wages, the tribunal has observed that the workers of the petitioner-corporation on consolidated wages were brought on regular pay scale. The present case also concerns contractual employees/workers working at various locations in Mumbai, getting consolidated wages. Even the aforementioned MOUs, referred to the aspect of revision of such consolidated wages from time to time. It is not clear as to on what basis the Industrial Court proceeded to hold that the workers who were getting consolidated wages and were covered under the reference, were brought on regular pay scales, as per MbPT wage settlement. This is crucial because thereafter the tribunal has referred to the MbPT settlement and calculated the revision of wages payable to the workers.

33. The fact that the tribunal was required to decide “consolidated wages” for workers other than those working in 12 Victoria Dock and Nhava Supply Base, is evident from specific observations made by the learned Single Judge of this Court in the order dated 30.01.2020 passed in Writ Petition No. 13015 of 2019. The relevant portion of the said order, reads as follows :

“20 Coming now to the reliefs formulated by it, it is but apparent that the tribunal does not appear to have applied its mind to individual revisions that may have to be made. As we have noted above, there is no infirmity in the conclusion of the tribunal that wage revisions had to be on the lines of MbPT settlement for the relevant period, but

*then based on related MbPT settlements, the court had to work out individual wage revisions for different categories of workmen, whose cause was espoused by the second party unions in the present case. The tribunal, firstly, had to work out individual revised wage scales and allowances for workmen at 12 Victoria Dock and Nhava Supply Base; it, then, had to formulate reasonable **consolidated wages** for workmen other than those working in 12 Victoria Dock and Nhava Supply Base. This the tribunal appears to have clearly failed to do. It left it to the parties to work out the individual revisions. That I am afraid is not possible. It is one thing to say that the basis of wage revision is available in a document and quite another to apply that basis to the individual facts of the case. For example, it is one thing to say that workmen other than those working in 12VD and Nhava Supply Base were to be paid wages, that is, **consolidated wages**, worked out on the basis of minimum basic wages of the concerned categories of MbPT workers plus adjustments towards allowances, and quite another to actually provide for and stipulate such **consolidated wages** so calculated and adjusted. This was obviously for the tribunal to do and not for the parties to work out. The tribunal appears to have clearly missed this point. To that extent, the matter must go back to CGIT for determination of actual wage scales/allowances of workmen working in 12VD and Nhava Supply Base (based on MbPT scales/allowances) as well as other workmen covered by the reference (for **consolidated wages** based on MbPT scales and allowances)."*

(emphasis supplied)

34. This aspect ought to have been taken into consideration by the tribunal while considering revision of consolidated wages in line with the MbPT settlement and if the tribunal decided to apply regular pay scales and revisions as if regular pay scales were to be revised, a proper reasoning and basis for the same ought to have been specified by referring to relevant material on record. This Court finds that such an exercise was not undertaken in the impugned award.

35. A perusal of the impugned award further shows that it appears to have proceeded on the basis that since wages of workers who

were getting consolidated wages till 31.12.2007 under the MbPT settlement were brought on regular pay scales from 01.01.2008, while considering revision of consolidated wages of the workers who were covered under the reference, they also had to be granted revision on the basis that they were being paid regular pay scales. Thereupon, the tribunal has proceeded to apply certain formulae to calculate the revision of wages payable to the workers. In the process, the tribunal has considered granting quarterly fitment benefit, double increment, HRA, etc. This further indicates that the tribunal has proceeded on the basis that revision was to be granted on the basis of regular pay scales to the workers.

36. Even while giving findings on revised pay scales purportedly on the basis of MbPT settlement, it is found that when the corresponding scales and figures of the relevant MbPT settlement are considered, the existing pay scales and the corresponding revised pay scales are not matching. The specific direction issued by this Court while remanding the matter to the tribunal that the revision of the wages was to be in line with MbPT settlement, indicated that the tribunal could refer to and rely upon the corresponding revisions given in the MbPT settlement. But, since the figures found in the impugned order cannot be correspondingly found in the MbPT settlement, it can be said that the basis of arriving at figures is rendered erroneous.

37. It is for this reason that the respondent No.1 even before this Court conceded that there were some defects in the manner in which the tribunal determined various figures and then an attempt was made in oral arguments as well as in written notes of arguments to give formulae for arriving at the correct figures for revised wages. This Court, while exercising jurisdiction under Article 226/227 of the Constitution of India, is not expected to ascertain the detailed

calculation, while examining whether the purpose for remanding the matter has been satisfied or not. It was for the tribunal to have discussed the formulae and the principles on which specific revision of wages was being granted, which could be discernible from the material on record and after consideration of rival contentions in that regard. This is quite apart from the fact that the tribunal did not even carry out any such exercise in respect of workers belonging to the skilled category.

38. This Court is not re-appreciating the evidence or the facts and figures pertaining to the MbPT settlement and the figures pertaining to the revision of wages determined by the tribunal, as if sitting in appeal. But, the tribunal was expected to enumerate the discernible principles on the basis of which it arrived at the final determination of wage revision, which could be justified from the material on record.

39. In this context, there can be no doubt that the petitioner-corporation could not have claimed any right to lead additional evidence in the matter. In fact, an attempt made on behalf of the petitioner-corporation by filing applications for the said purpose was thwarted by the tribunal and confirmed by this Court by dismissing Writ Petition (Lodging) No. 30843 of 2024. But, in the light of the specific issues crystallized in the order of this Court remanding the matter to the tribunal, rival parties ought to have been given an opportunity to contend as to what could be the figures of revised consolidated wages by applying the MbPT settlement. This was because the remand was specifically to revise the wages in the light of the MbPT settlement. The rival parties were required to be heard by the tribunal on their respective interpretation of what could be said to be revision of wages in line with the MbPT settlement. There can be no doubt about the fact that since the parties had already led

evidence before the earlier award dated 17.07.2019 was passed by the tribunal, there was no question of the parties being permitted to lead further evidence upon remand. Yet, a perusal of the impugned award does not show as to whether the petitioner-corporation or even the respondents-unions were permitted to place on record their respective versions of revision of wages in line with the MbPT settlement, for ascertaining the manner in which the wage revision could be undertaken for the individual categories of workers. It appears that the tribunal on its own directly reached such findings and conclusions, leading to determining the wage revision as per the chart attached to the award. This Court is of the opinion that the said approach adopted by the tribunal is unsustainable and therefore, interference is warranted, even in the limited jurisdiction available to this Court while considering the present petition.

40. It is indeed unfortunate that the issue regarding wage revision has been hanging fire since the year 2017, when the reference was made to the tribunal. In fact, the respondent No.1-union has blamed both the petitioner-corporation and the respondent Nos.2 and 3-unions for the delay in the matter. It is also to be noted that although the learned Single Judge of this Court, while remanding the matter to the tribunal, had directed the reference to be decided on the remaining limited issues expeditiously and preferably within a period of eight months, it took more than five years for the tribunal to decide the matter. In such a situation, setting aside the impugned award, which will inevitably lead to remanding the matter back again to the tribunal, would lead to further delay in final resolution of the issue, but, this Court while exercising jurisdiction under Article 226/227 of the Constitution of India, cannot undertake the exercise expected to be undertaken by the tribunal. To that extent, the tribunal has erred in exercising its jurisdiction, justifying interference

at the hands of this Court.

41. It is to be noted that when the matter was remitted to the tribunal by the aforesaid order dated 30.01.2020, this Court had directed that the workers would be paid interim wages in accordance with Memorandum of Settlement of September 2016 and this interim arrangement was continued even by the Supreme Court. The same arrangement can be continued till the tribunal decides the matter afresh as this Court intends to set aside the impugned award and remit the matter back for fresh consideration. Specific timeline shall be indicated, which will have to be mandatorily complied with by the tribunal.

42. In view of the above, the writ petition is partly allowed and the impugned award is partly quashed and set aside.

43. The observations pertaining to issue Nos.1 to 6 are upheld. Only with regard to issue No.7, the matter is remitted to the tribunal for fresh consideration in line with the above quoted paragraph 22 of the order dated 30.01.2020 passed in Writ Petition No. 13015 of 2019.

44. The tribunal is directed to determine wage revision of all three categories i.e. unskilled, semi-skilled and skilled workers. It shall also take into account the fact that seven workers at the Nhava Supply Base had not accepted the settlement of 2016 (erroneously recorded in the impugned order as 1996). The tribunal shall give opportunity to the petitioner-corporation as well as the respondents-unions to place their contentions on record to the limited extent of their respective versions about what should be the wage revisions in line with the MbPT settlements and the formulae relied upon by the parties. The tribunal shall discuss such contentions and pass a reasoned order to reach findings and for determination of wage

revisions for the three categories of workers i.e. unskilled, semi-skilled and skilled. Such an exercise shall be carried out on the basis of material already on record, particularly the MbPT settlement and neither party shall be allowed to lead any fresh evidence in the matter.

45. The tribunal shall undertake the said exercise as expeditiously as possible and in any case, complete the same and render its award within three months of this order being produced before the tribunal.

46. In the interregnum and till the reference on remand is decided by the tribunal afresh, in the light of the observations made hereinabove, interim wages shall be paid to the workers as directed in paragraph 24 of the order dated 30.01.2020 passed in Writ Petition No. 13015 of 2019 and continued by the Supreme Court in its order dated 16.10.2020 passed in Special Leave Petition (Civil) No.9456 of 2020.

47. The writ petition is disposed of in above terms.

48. Pending applications also stand disposed of.

Priya / Bipin

(MANISH PITALE, J.)