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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/165/2025

ONGC SRAMIK BAL
A REGD TRADE UNION OF ONGC, ASSAM ASSET, NAZIRA REP. BY ITS
GEN. SECRETARY MADHURJYA BORGOHAIN, AGE-34 YRS, S/O-
BHUGESWAR BORGOHAIN, R/O- NAZIRA BOARDING ROAD, WARD NO-2,
P.O AND P.S- NAZIRA, DIST- SIVASAGAR, ASSAM, PIN-785685

VERSUS

UNION OF INDIA AND 10 OTHERS
REP. BY THE MINISTRY OF PETROLEUM AND CHEMICAL , GOVT. OF
INDIA, NEW DELHI-01

2:OIL AND NATURAL GAS CORPORATION LIMITED
A STATUTORY BODY HAVING ITS HEAD OFFICE AT DEHRADUN
UTTARAKHAND
PIN-248001

3:THE EXECUTIVE DIRECTOR -CHIEF HRD
OIL AND NATURAL GAS CORPORATION LIMITED
HAVING ITS HEAD OFFICE AT TEL BHAVAN
DEHRADUN
UTTARAKHAND
PIN-248001

4:THE EXECUTIVE DIRECTOR
ASSETT MANAGER

OIL AND NATURAL GAS CORPORATION LIMITED
ASSAM ASSETT

P.O.- NAZIRA- 785640
DISTRICT- SIBSAGAR

ASSAM
PIN-785685

5:THE GROUP GENERAL MANAGER (HR)
OIL AND NATURAL GAS CORPORATION LIMITED
ASSAM ASSETT

P.O.- NAZIRA- 785640
DISTRICT- SIBSAGAR
ASSAM
PIN-785685

6:THE EXECUTIVE DIRECTOR
ASSETT MANAGER

OIL AND NATURAL GAS CORPORATION LIMITED
JORHAT ASSETT
LUIT BHAWAN

ONGC
CINNAMARA COMPLEX
P.O- CINNAMARA
DIST- JORHAT
ASSAM
PIN-785704

7:THE CHIEF LABOUR COMMISSIONER (CENTRAL)
DWARKA
NEW DELHI
PIN-110075

8:THE DEPUTY CHIEF LABOUR COMMISSIONER (CENTRAL)
KENDRIYA SHRAM SADAN
R.K MISSION ROAD
BIRUBARI
GUWAHATI-16

9:THE REGIONAL LABOUR COMMISSIONER (CENTRAL)
KENDRIYA SHRAM SADAN
R.K MISSION ROAD
BIRUBARI
GUWAHATI-16

10:THE PRESIDENT / GENERAL SECRETARY
ONGC SHRAMIK ASSOCIATION
ONGC ASSAM ASSETT
NAZIRA
DIST- SIVASAGAR

ASSAM
PIN-785685

11:THE PRESIDENT/ GENERAL SECRETARY
ONGC PURBANCHAL EMPLOYEES ASSOCIATION

ONGC COLONY COMPLEX

NAZIRA
DIST- SIVASAGAR
ASSAM
PIN-78569

Advocate for the Petitioner : MR. J HATIMURIA, MR. P BORDOLOI,MR. N M DAS,MR. P J SAIKIA, SR. ADV,MR. M KALITA

Advocate for the Respondent : DY.S.G.I.,

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 21.01.2025

Heard Mr. P.J. Saikia, learned Senior Counsel assisted by Mr. J. Hatimuria, learned counsel for the petitioner and Ms. A. Gayan, learned Central Government Counsel for the respondent nos. 1, 7, 8 & 9.

2. The petitioner, ONGC Sramik Bal is a trade union of employees of the respondent ONGC Limited, registered under the Trade Unions Act, 1926. It has been averred that the petitioner is a registered trade union of the respondent ONGC Limited for the Assam Asset.

3. Mr. Saikia, learned Senior Counsel appearing for the petitioner has submitted that though earlier in the eastern region, there used to be only two assets but, presently, there are three assets, area-wise, for the respondent ONGC Limited, that is, Assam Asset, Jorhat Asset and Silchar Asset. He has

submitted that Assam & Assam Arakan basin is one of the basins only, not asset. Referring to the process of recognition of Trade Union as laid down in the Code of Discipline, he has submitted that in view of separation of assets into three, the respondent ONGC Limited is required to undertake the process for recognition of a trade union each in each of the assets. In so far as the petitioner trade union is concerned, it is claiming recognition for the Assam Asset. He has submitted that a nos. of representations have already been submitted by the petitioner before the respondent ONGC Limited authorities to undertake the process for recognition of the representative trade union for the Assam Asset. But, the representations have not been taken to any logical conclusion till date. As a result, it is not clear whether the respondent ONGC authorities are going to undertake the process of recognition of the representative trade union asset-wise, more importantly, for the Assam Asset or not. He has further submitted that the Deputy Chief Labour Commissioner [Central] [the respondent no. 8] has already initiated preliminary steps as regards the process of membership of trade unions operating in Assam Asset, Jorhat Asset and Assam & Assam Arakan basin of the respondent ONGC Limited through secret ballot election, by issuance of a Notice on 10.12.2024. A meeting was held under the authority of the respondent no. 8 as the Returning Officer on 17.12.2024 and in the said meeting, three trade unions' representations and the representatives of Management of the respondent ONGC Limited were present. On 17.12.2024, the respondent no. 8 has discarded the claim of the petitioner union as regards holding election separately for all the assets opining that such exercise is one of the preliminary exercise before the finalization of the secret ballot election.

4. Mr. Saikia has further submitted that the process for recognizing the issue

whether the Management of the respondent ONGC Limited would recognize the representative Union asset-wise or not is to be determined prior to holding of election through secret-ballot method.

5. Ms. Gayan has submitted that the issue raised by the petitioner is exclusively within the domain of the respondent ONGC Limited.

6. Issue notice, returnable on 17.02.2025.

7. As Ms. Gayan, learned Central Government Counsel has appeared and accepted notice on behalf of the respondent nos. 1, 7, 8 & 9, no formal notices need to be issued to the said respondents. Mr. Hatimuria, learned counsel for the petitioner shall furnish requisite nos. of extra copies of the writ petition along with the annexures to Ms. Gayan within 2 [two] working days from today.

8. The petitioner shall take step for service of notice upon the respondent nos. 2, 3, 4, 5, 6, 10 & 11 by registered post with A/D by tomorrow. In addition, as prayed for, the petitioner is also permitted to take steps for service of notice upon the respondent nos. 4, 5, 6, 10 & 11 by way of dasti, which is to be routed through the registry of this Court. After service of notice upon the respondent nos. 4, 5, 6, 10 & 11 by way of dasti, the learned counsel for the petitioners shall also file a compliance affidavit to that effect on or before 17.02.2025.

9. It is submitted by the learned counsel for the parties that the respondent no. 8 has fixed the next date on 28.01.2025 for finalizing the modalities of election, which is to be held through secret ballot.

10. The issue projected by the petitioner here that the issue regarding whether the respondent ONGC Limited is going to recognize the representative trade union asset-wise or not, appears to be an issue, which *prima facie* is to be

decided prior to the process of election through secret ballot. It is, therefore, observed that while the respondent no. 8 may proceed with the meeting fixed on 28.01.2025 but the respondent authorities shall not hold the election so contemplated, till the returnable date.

JUDGE

Comparing Assistant