

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO.3291 of 2026**

=====

TIWARI VASANTKUMAR RAMKUMAR
Versus
UNION OF INDIA & ANR.

=====

Appearance :

MR K R MISHRA for the Petitioner.
PRABHATSINH J PARMAR for the Petitioner.
MR ANJU TRIVEDI for the Respondent No.2.
MR PRADIP D BHATE for the Respondent No.1.

=====

CORAM: HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Date : 12/03/2026
ORAL ORDER

1. Heard learned advocate, Mr. K. R. Mishra for the petitioner and learned advocate, Mr. Anuj Trivedi for respondent No.2 - ONGC.

2. By way of the present petition, the petitioner has prayed for the following reliefs :-

“[a] Your Lordships be pleased to allow this petition with costs;

[b] Your Lordships be pleased to issue a writ of mandamus or any other appropriate writ or order or direction in the nature of mandamus directing the respondent no.1 and 2 to pay the salary and other admissible allowances at par with regular employees who are doing the same work (copy at

Annexure-K) with effect from 10-01-1996 and pay arrears from the differences of pay from 10-01-1996 to the date of filing of the present petition;”

2.1 In paragraphs 2 and 3 of the petition, the petitioner has made the following averments :-

“2. The petitioner is an unfortunate employees of the respondent no. 1 and 2 who has never been paid salary at par with regular employees since his joining on 10-01- 1995. The petitioner, more particularly, had joined the service of the respondent no. 2 on 10-01-1995 under the garb of contractual employee and doing the work of khalasi/helper, however, the petitioner has remained continued as contractual employee since his joining even till today despite changing of many contractors and the petitioner is being paid minimum wages declared by the competent authority under Minimum Wages Act, 1948, a copy of payslip is annexed herewith and marked as Annexure-A. The petitioner is designated as unskilled worker as he has been doing the work of khalasi/helper since his joining. This shows that the petitioner is doing continuous work with the respondent no. 2 despite the change in contract. It is also pertinent to note that the appropriate government under the Contract Labour (Regulation and Abolition) Act, 1972 (hereinafter referred as CLRA Act) has, by notification dated 08.09.1994,

prohibited the employment of contract labour in various works in the establishment of the Oil and Natural Gas Commission (ONGC) in the country which includes the category of helper also, a copy of the notification dated 08.09.1994 is annexed herewith and marked as Annexure-B.

3. The petitioner along with other employees had, therefore, through the union, raised industrial dispute regarding regularization before the conciliation officer which has finally culminated into reference (ITC) No.11 of 1997 [renumbered as Reference (CGITA) No. 48 of 2004] before the learned Central Government Industrial Tribunal at Ahmedabad (hereinafter referred as learned CGIT), who terms of references along with list of employees are annexed herewith and marked as Annexure-C, which is pending for adjudication since 1997 and now, once again renumbered as Reference (ITC) No. 366 of 2025 owing to transfer of reference case to Gujarat Industrial Tribunal wherein name of the petitioner is at Sr. No. 3/113 in Reference (ITC) No. 366 of 2025. The above reference is still pending and now the petitioner is on the verge of retirement."

3. In view of the above averments, learned advocate, Mr. Anuj Trivedi, drew the attention of the Court to the fact that the petitioner's reference, with almost similar prayers, has been pending before the Central Government Industrial Tribunal,

Ahmedabad, since 1997. He therefore submitted that when the petitioner has already availed the remedy since 1997, entertaining the present petition at this juncture would result in multiplicity of proceedings.

3.1. He further submitted that the petitioner has already prayed for regularization before the Industrial Tribunal and, therefore, if the said prayer is granted, the prayer made in the present petition would automatically stand granted, as the prayer for regularization before the Industrial Tribunal is a wider prayer. He, therefore, submitted that since the petitioner has already availed the appropriate remedy before the Industrial Tribunal since 1997, the present petition may not be entertained.

4. Learned advocate, Mr. K. R. Mishra, could not dispute the aforesaid facts which are stated on oath by way of the averments made in paragraphs 2 and 3 of the petition. However, he submitted that since the petitioner is on the verge of retirement, this independent petition seeking separate reliefs may be considered.

5. I have heard the learned advocates for the respective parties and perused the record. On perusal of the record, I found that the petitioner has already prayed for regularization before the Central Government Industrial Tribunal, and the said reference has been pending since 1997. Considering the fact that the prayer for regularization can be said to be a wider prayer, if such prayer is granted, the grievance raised by the petitioner in the present petition would not survive.

6. Therefore, I do not see any reason to entertain the petition when the petitioner's reference before the Central Government Industrial Tribunal is already pending. Accordingly, since the petitioner has already availed the alternative remedy as far back as 1997, the present petition is not required to be entertained.

7. However, liberty is reserved to the petitioner to prefer an appropriate application for speedy disposal of the aforesaid Industrial Reference. In the event such an application is made, the Central Government Industrial Tribunal shall consider the same, taking into account the fact that the reference preferred by the petitioner has been pending for more than 25 years.

8. Therefore, on the ground that the petitioner has already availed the alternative remedy, and without entering into the merits of the matters, the present petition is dismissed.

(NIRZAR S. DESAI,J)

SAVARIYA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: RAJNISH NARENDRA SAVARIYA(HC00179), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 12/03/2026 17:36:27