

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

IA.NO.7 in CIVIL APPEAL NO(s). 4755 OF 2001

G.M., O.N.G.C., SHILCHAR

Appellant (s)

VERSUS

O.N.G.C. CONTRACTUAL WORKERS UNION

Respondent(s)

(With appln. for directions and office report)

Date: 10/09/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE H.S. BEDI

For Appellant(s) Mr. H.N. Salve, . Sr.Adv.
Mr. Shiv P. Pandey, Adv.
Ms. Rekha Pandey, Adv.

For Respondent(s) Mr. S.B. Sanyal, Sr.Adv.
Mr. N.R. Chaudhary, Adv.
Mr. Somnath Mukherjee, Adv.

for Intervenors: Mr. Shuvodeep Roy, Adv.
Mr. Anil K. Tandale, Adv.
Mr. Brij Bhusan ,Adv
Mr. Anil Kumar Tandale ,Adv

UPON hearing counsel the Court made the following
ORDER

We have heard learned counsel for the parties in IA.No.7 of
2007.

In this application the following prayers have been made:

a) permit the Appellant to treat as withdrawn, the
scheme for absorption of the workmen set out in the
additional affidavit dated 14.02.2001;

b) permit the Appellant to substitute in place of
the scheme aforesaid the Memorandum of
understanding & Goodwill Package Scheme dated
24.01.2007 for consideration of the remaining 106
workmen out of 290 contract labour workmen and for
adjudication of the appeal in the light of this package;
:2:

c) pass an order for deleting the name of 176
workmen as detailed in Annexure A-3 from the list of
members of respondent union coming under the
operation of the final judgment of this Hon'ble Court
in the above named appeal; and

d) in case the remaining workmen are not
agreeable to accept the Package aforesaid, then permit
the appellant to stop the monthly payment, on
undertaking that if the appeal is decided against the
appellant, it would pay these workers such sums as
may be directed by the Court and on such terms as may
be considered appropriate,

e) pass any other or further order as may be deemed fit and proper in the interest of justice."

From the record it is clear that the judgment impugned in the present appeal is dated December 24, 1999. The substantial period is, therefore over so far as the said judgment is concerned. It is also clear that initially the notice was issued and after hearing the parties leave was granted by this Court on 27/7/2001. On the facts and in the circumstances of the case, in our opinion, it would be appropriate if the Registry is directed to place the main matter for final hearing immediately after Diwali Holidays in an appropriate Court.

We may add at this stage that Mr. Harish N. Salve learned senior counsel appearing on behalf of the applicant invited out attention to an affidavit in reply filed in I.A.No.7 to paragraph 'H' of the application which reads as thus:

"However, on 27.4.2001 the said scheme came up for consideration before a Bench consisting of Hon'ble Mr. Justice S.P. Bharucha and Hon'ble Mr. Justice Y.K. Sabharwal and their Lordships without looking at the suggestion for corrections/modification and hearing the respondents were pleased to grant leave to appeal to the appellants."

:3:

In our opinion, it would not be appropriate on the part of any party to make such observations. The learned counsel for the respondent No.1 states that the respondent No.1 unconditionally withdraws the above observations. Hence such paragraph is ordered to be deleted.

So far as this I.A.No.7 is concerned, we are not passing any order in view of the order we have already passed. Let the appeal be placed for hearing. The I.A.No.7 will also be considered at the time of the hearing of the appeal.

[Usha Bhardwaj]
Court Master

[Vinod Kulvi]
Court Master