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C.A.No. 4755 OF 2001  
ITEM No.1(CHAMBER)

IN Court No. 2

SECTION XV

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

I.A. No. 1, 2 & 4 (IN C.A. NO. 4755/2001)

G.M., O.N.G.C., SILCHAR

APPELLANT (s)

VERSUS

O.N.G.C. CONTRACTUAL WORKERS UNIONRESPONDENT (s)

(Appln. for impleadment)  
(With office report dated 13/11/2003)

Date : 15/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI  
(CHAMBER JUDGE)

For Applicant (s) Mr. Manoj Goel, Adv.  
Mr. Shuvodeep Roy, Adv.  
Mr. Wajeeh Shafiq, Adv.  
Mr. Brij Bhushan, Adv.

For Petitioner (s) Mr. T. Anil Kumar, Adv.

For Respondent (s)Ms. Rekha Pandey, Adv.

Mr. Somnath Mukherjee, Adv.

UPON hearing counsel, the Court made the following  
O R D E R

These three applications have been filed by 11 workers seeking impleadment in the appeal. By award dated 11th July, 1994, the Industrial Tribunal directed regularisation of workers in the proceedings initiated by the Union against the Management. The award was set aside by the learned Single

Judge but restored by the Division Bench. The Management is in appeal. Throughout the case has been throughout contested by the Union on behalf of the workers, the learned counsel for the applicants submits that there is a dispute within the Union and the rival group which has taken over the Union wishes to oust the applicants herein from taking advantage of the award of the Industrial Tribunal and that is why they are seeking impleadment.

The dispute amongst the members within the Union cannot be taken note of and decided by this Court in this appeal. The Court is concerned with the legality and the maintainability of the award dated 11th July, 1994. The prayer for impleadment cannot be allowed. However, the applicants are permitted through their counsel to remain present at the hearing to watch the proceedings and protect their interests in the event of any occasion arising for any order adverse to their interest being passed.

If any action in violation of Section 33 of the Industrial Disputes Act, 1947 has been taken and employment of any worker has been discontinued during the pendency of the proceedings, he is at liberty to seek appropriate remedy by moving the Industrial Tribunal or any other forum in accordance with law.

Interlocutory applications are disposed of.

KALYANI (RADHA R. BHATIA)  
COURT MASTER

