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C.A.No. 2949 OF 2000  
ITEM No.103

Court No. 9

SECTION XV

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

Civil Appeal No. 2949 of 2000

OIL & NATURAL GAS CORPN. LTD. & ANR. Appellant (s)

VERSUS

D. VEERAKRISHNA Respondent (s)

(With office report)

With S.L.P. (C) No. 973 of 2000  
(With appln.(s) for clarification and office report)

Date : 23/07/2003 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAV V. PATIL  
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Appellant (s)Mr. Altaf Ahmed,ASG.

In CA 2949/2000: Ms. Bina Gupta,Adv.

Ms. Arpita Mahajan,Adv.

Ms. Nina Gupta,Adv.

Mr. Sukhjinder Singh,Adv.

In SLP 973/2000:Ms. Arpita Mahajan,Adv.

Ms. Bina Gupta,Adv.

Ms. Nina Gupta,Adv.

Mr. Sukhjinder Singh,Adv.

For Respondent (s)Mr. L. Nageswara Rao,Sr.Adv.

Mr. G. Ramakrishna Prasad,Adv.

Mr. Md. Wasay Khan,Adv.

Mr. K.C. Sudarshan,Adv.

Mr. Jayanth Muthraj,Adv.

Mr. Shivaji M. Jadhav,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties from 11.55 a.m. to 12.20 p.m.

Leave granted in the special leave petition.

The civil appeals are allowed.

No costs.

[ T.I. Rajput ][ Shelly Sengupta ]  
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2949 OF 2000

Oil & Natural Gas Corpn. Ltd. & Anr. ...Appellant(s)

Versus

D. Veerakrishna ...Respondent(s)

With Civil Appeal No. 5169 of 2003  
(Arising out of S.L.P. (C) No. 973 of 2000)

O R D E R

Civil Appeal No. 2949 of 2000:

Heard Mr. Altaf Ahmad, learned Additional Solicitor General, and Mr. L. Nageswara Rao, learned senior counsel, for the parties.

On behalf of the appellant, it is submitted that the controversy raised in this appeal stands covered by the judgement of the Constitution Bench of this Court in Steel Authority of India Limited & Ors. vs. National Union Waterfront Workers & Ors. (2001 (7) S.C.C. 1).

On 24th April, 2000, this Court passed the following order:

"Leave granted.

Printing dispensed with.

...2/-

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Parties may file relevant documents on which they rely.

To be heard with Civil Appeal arising out of S.L.P. (C) NO. 517 OF 2000.

Status quo regarding service condition of the respondent to be maintained in the meantime."

The impugned order was passed by the High Court following the decision of this Court in the case of Air India Statutory Corporation vs. United Labour Union (1997 (9) S.C.C. 377). The said judgement has since been over-ruled by the judgement of the Constitution Bench in Steel Authority of India Limited & Ors. (supra). It is not disputed before us that the direction given by the High Court to absorb the respondent is not given effect to. This being the position, the case is covered by sub-paragraph (4) of Paragraph (125) of the judgement in Steel Authority of India Limited & Ors. (supra).

Mr. L. Nageswara Rao, learned senior counsel representing the respondent, submitted that the Central Government issued the notification dated 8th September, 1994 under Section 10(1) of the Contract Labour (Regulation and Abolition) Act, 1970 prohibiting employment of Radio Operator on contract by the appellant-company. The respondent was working with the appellant-company from 12th April, 1991 till December, 1995. He was out of employment from December, 1995 to April, 1997. He was re-employed from May, 1997 and is continuing even as on today in service. Under these circumstances, this appeal is entitled to succeed. Accordingly, the civil appeal is allowed and the impugned order is set aside.

...3/-

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However, having regard to what is stated above that the respondent has been working with the appellant-company since May, 1997 till today, except for the period December, 1995 to April, 1997, and in view of the statement made on behalf of the respondent that sixty two other similarly placed Radio Operators have already been absorbed in service - a fact admitted in the rejoinder affidavit - the appellant may consider the case of the respondent for absorption in a suitable post, if post of Radio Operator is not available.

No costs.

Civil Appeal No. 5169 of 2003  
(Arising out of S.L.P. (C) No. 973 of 2000)

Leave granted.

The learned counsel appearing for either side do not dispute that the controversy raised in this appeal stands covered by the judgement of the Constitution Bench of this Court in Steel Authority of India Limited & Ors. vs. National Union Waterfront Workers & Ors. (2001 (7) S.C.C. 1). In view of this legal position, this appeal has to be allowed.

Accordingly, the civil appeal is allowed and the impugned order is set aside following the judgement of the Constitution Bench in the case of Steel Authority of India Limited & Ors. (supra).

No costs.

.....J.  
[SHIVARAJ V. PATIL]

.....J.  
[D.M. DHARMADHIKARI]

New Delhi,  
July 23, 2003.