

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 3587-3589/1999@@
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Hindustan Petroleum Corpn. Ltd. .. Appellant

Vs.

Petroleum Emp. Union & Ors. .. Respondents

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The controversy in these appeals is relating to two notifications issued on December 9, 1976 and January 30, 1996 under Section 10 of the Contract Labour(Abolition and Regulation), Act 1970 Certain workmen working in the establishment of the appellant, either as direct labourers or otherwise, approached the High Court in a Writ petition seeking for various reliefs including absorption in the services of the appellant establishment. The Writ petition was allowed and certain directions were given thereto. Thereupon, appeals were preferred by the appellant. In the appeal while admitting the matter certain orders were made by the High Court noticing the position that in respect of 112 workmen it was contended that the notification in question covered them whereas in respect of 263 workmen there was dispute as to whether notification covered them or not. In regard to 112 workmen, a direction was issued
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by the High Court that they be absorbed as direct employees within one week from the filing of the list while in regard to 263 workmen the High Court directed the Regional Labour Commissioner, Central Government to investigate the rival claims, after taking evidence and make a report to the Court and matter to come up before the Court thereafter for consideration.

This order was challenged before this Court and this Court on July, 27, 1998 directed the High Court to re-examine the matter and pass a fresh order. The High Court reiterated its earlier order by another order dated April 12, 1999.

From the narration of the facts made above, it is clear that concession made by the appellant was only in relation to whether the 112 workmen were covered by the notifications in question or not and not in regard to

whether they were directly employed by the appellant or not, while in regard to 263 workmen dispute is still pending for consideration.

The High Court proceeded to pass the order in question in the light of the law declared by this Court
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in Air India Statutory Corpn. Vs. United Labour Union - (1997) 9 SCC 377. The said decision has been overruled by this Court in Steel Authority of India Ltd. & Ors. Vs. National Union Waterfront Workers and Ors.- (2001) 7 SCC. In that view of the matter, we set aside the order made by the High Court and it is open to the High Court to re-examine the matter and proceed to decide the same in the light of the order made by this Court.

The appeals are allowed accordingly.

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[S. RAJENDRA BABU]@@
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New Delhi,
November 6, 2001.

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[RUMA PAL]@@
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S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NOS.3587-3589/1999

Hindustan Petroleum Cropn. Ltd. .. Appellant (s)

Vs.

Petroleum Cmp. Union & Ors. .. Respondent(s)
(With office report)

DATE : 6.11.2001 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MRS.JUSTICE RUMA PAL

For Appellant (s) : Mr. L. Nageshwara Rao, Sr. Adv.
Mr. T.R. Andhyaruzina, Sr. Adv.
Mr. Sanjay Kapur, Adv.
Ms. Shubhra Kapur, Adv.

For Respondent (s) : Mr. Suresh S. Pakale, Adv.
Mr. Ashok Kumar Gupta, Adv.
Mr. Farrukh Rasheed, Adv.
Mr. Mukesh Kumar, Adv.

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

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The appeals are allowed in terms of the signed
order.

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(Meenu Sethi)
Court Master

(Om Prakash)
Court Master

Signed order is placed on the file