

ITEM NO.107

COURT NO.10

SECTION XV

SUPR EME COU R T OF I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 6512-6513 OF 2003

AIRPORTS AUTHORITY OF INDIA

Appellant (s)

VERSUS

KAMGAR UTKARSHA SABHA & ANR.

Respondent(s)

(With office report)

Date: 22/07/2009 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Appellant(s)

Mr. Krishnan Venugopal, Sr. Adv.

Ms. Nina Gupta, Adv.

Ms. Swigin George, Adv.

Ms. Tulika Mukherjee, Adv.

Ms. Bina Gupta, Adv.

For Respondent(s)

Mr. Vinay Kumar Garg, Adv.

UPON hearing counsel the Court made the following

ORDER

Heard learned counsel for the parties.

The appeals are allowed and impugned judgments and orders dated 24.12.1999 and 6.3.2000 are set aside with no order as to the costs in terms of the signed order.

However, if so advised, the worker at Sl. No. 16-Smt. Shalini Sable can approach an appropriate forum for appropriate relief, which shall be decided in accordance with law.

(Ajay Kr. Jain)
Court Master

(Indu Satija)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 6512-6513 OF 2003

Airports Authority of India

.... Appellant

Versus

Kamgar Utkarsha Sabha & Anr.

.... Respondents

ORDER

Heard learned counsel for the parties.

These appeals by special leave are directed against the

impugned judgment and order dated 24.12.1999 as also the order dated 6.3.2000 in review petition.

The dispute in this case is now limited to the identity of worker at Sl. No. 16-Smt. Shalini Sable. By the impugned judgment the High Court has held that in view of the judgment of this Court in the case of Air India Statutory Corpn. Vs. United Labour Union (1997) 9 SCC 377, the said Smt. Shalini Sable is liable to be absorbed. Subsequently the judgment in the case of Air India (supra) has been set aside by a larger Bench of this Court in the case of Steel Authority of India Ltd. & Ors. Vs. National Union Waterfront Workers and Ors. (2001) 7 SCC 1. It has been observed by this Court in the said judgment that the same shall apply prospectively.

It appears that in view of the direction of this Court vide order dated 15.3.2002, a Committee was constituted by the appellant to determine whether the worker at Sl. No. 16-Smt. Shalini Sable was at all working as a contract labour with the appellant or not. The said Committee has submitted its report and found against her.

This is a factual controversy and it is not possible for this Court to go into this issue. Hence, we allow these appeals and set aside the impugned judgments and orders dated 24.12.1999 and 6.3.2000. No order as to the costs.

However, if so advised, the worker at Sl. No. 16-Smt. Shalini Sable can approach an appropriate forum for appropriate relief, which shall be decided in accordance with law.

(MARKANDEY KATJU)J.

(V.S. SIRPURKAR)J.

NEW DELHI;
JULY 22, 2009