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C.A.No. 755 OF 1999
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ITEM NO. 104 COURT NO. 6 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. 755/1999

Indian Petro Chemicals Ltd. & Anr. .. Appellant (s)

Vs.

Shramik Sena & Ors.n & Ors. .. Respondent(s)
(With Prayer for interim relief and 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. M.M. Verma, Adv.
Mr. Subrat Birla, Adv.
Mr. H.S. Parihar, Adv.

For Respondent (s) : Mr. Suresh S Pakale, Adv.
0 0 0 Mr. Ajay Majithia, Adv. 0
Mr. S.B. Upadhyay, Adv.

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

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The appeal is allowed in terms of the signed
order.

.SP1

Charanjit

[Om Prakash]
Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 755/1999@@
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Indian Petro Chemicals Ltd, .. Appellants
& Anr.
Vs.

Shramik Sena & Ors. .. Respondents

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A Notification was issued on 9.12.1976 under Section 10 of the Contract Labour (Regulation and Abolition) Act,1970 (hereinafter referred to as the Act) prohibiting employment of contract labour on and from 1.3.1977 for sweeping, cleaning, dusting and watching of building owned or occupied by the appellant-establishment.

A writ petition was filed before the High Court seeking for certain reliefs by contract labourers. The High Court held that workmen who had approached the High Court are entitled to the benefit of the notification dated 9.12.1976 issued under Section 10 of the Act and following the decision of this Court in Air India Statutory Corporation & Ors. Vs. United Labour Union & Ors. [1997 (9) SCC 377] upheld the contention of the respondents and allowed the writ petition,directed that absorption in the establishment of the appellant as
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workmen from the dates shown against their names under Exhibit 'A' to the petition and granted certain other incidental reliefs.

Now in this appeal it is brought to our notice that the notification issued on 9.12.1976 has been quashed by this Court in Steel Authority of India Ltd. &@@
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Ors. Vs. National Union Waterfront Workers & Ors. -@@
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2001 (7) SCC 1. Hence the basis of the judgment under appeal itself is knocked out and needs to be set aside. Ordered accordingly. However, it is made clear that it is open to the respondents to raise a dispute as to whether they are employees of the appellant or not and seek appropriate reliefs at the hands of the Labour/Industrial Court or Industrial Tribunal, as the case may be. The learned counsel for the appellant states that the services of the respondents will not be terminated for a period of six months. The appeal is allowed accordingly.

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