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SLP(C)No. 332 OF 2001
ITEM No.34

Court No. 9

SECTION XV
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.332/2001
(From the judgement and order dated 19/09/2000 in CAN 7836/00
of The HIGH COURT OF CALCUTTA)

N.S.C.B.I.A.GRDUNDS WORKMEN'S UNION &ORS

Petitioner (s)

VERSUS

AIRPORT AUTHORITY OF INDIA & ORS.

Respondent (s)

(with appln.for deletion of the name of res.Nos.4 and 5 and
With prayer for interim relief and with office report)

with SLP(C)No.2381/2001
(With appln.for deletion of the name of respondent Nos.14,15 and 16
and with prayer for interim relief)

Date : 21/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.P. MOHAPATRA
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s) Mr.Naresh Kaushik,Sr.Adv.
in SLP.332/01 & Ms.Shilpa Chohan,Adv.
res.in SLP2381/01 Mr.Devashish Bharuka,Adv.
Mrs Lalita Kaushik,Adv.

For Respondent (s) Mr.R.Sundaravardan,Sr.Adv.
in SLP..332/01 & Mr. R.N. Keshwani,Adv.
pet.in SLP.2381/01

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

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.....L.....I.....T.....T.....T.....T.....T.....J
In SLP(C)No.332/2001 the name of respondent Nos.4
and 5 are deleted from the array of the parties at the
risk of the petitioners.

In SLP(C)No.2381/2001 the name of respondent
Nos.14, 15 and 16 are deleted from the array of the
parties at the risk of the petitioners.

We have heard learned counsel for the parties.
These two special leave petitions have been filed by the

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workmen as well as the employer against the
judgment/order passed by the Division Bench of the
Calcutta High Court on 19.9.2000 disposing of the cases
filed by the parties. The operative portion of the
judgment/order reads thus:

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"In view of the above

recommendations, if it is accepted by the Government of India then the incumbents will be entitled to consequential benefits therefrom. Accordingly, both the appeal, application for Stay and the application for injunction against the appellants are disposed of as such."

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Judged in the light of the decision of the Constitution Bench in the case of Steel Authority of India Ltd. & Ors. vs. National Union Waterfront Workers & Ors. reported in 2001 (7) SCC 1 the position has to be taken as settled that on a notification being passed by the appropriate Government under Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 the contract labourers concerned may approach the industrial adjudicator for adjudication of their claims relating to service. This position is also fairly accepted by the learned counsel appearing for the workmen. From the records it appears that the services of the contract labourers stood terminated with effect from 18.9.2000 and the judgment/order of the High Court under challenge was also passed in September, 2000. Therefore it is not possible for this Court to make any observations or issue any directions regarding interim arrangement to be made for continuation of employment of the contract labourers concerned. However, if the concerned parties raise an industrial

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dispute it will be open to both the parties thereto to place their respective cases before the Industrial Adjudication Forum. With these observations, the special leave petitions are disposed of. It will also be open to the parties to seek expeditious disposal of the proceedings by the Labour Court/Industrial Tribunal.

The special leave petitions are disposed of. No costs.

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(Usha Bhardwaj)
P.S. to Registrar

(S.Malkani)
Court Master