

&
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
RECORD OF PROCEEDINGS

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 names of respondent Nos.4
and 5 are deleted from the array of parties at the risk
of the petitioners.

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

We have heard learned counsel for the parties.
In these special leave petitions the workmen as well as

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the employer have challenged the judgment rendered by a
Division Bench of the Calcutta High Court on 19.9.2000
disposing of the cases in MAT No.419/2000, CAN
No.5505/2000, CAN No.7836/2000, filed by the parties.
The operative portion of the judgment 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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In the recent 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 regarding service benefits. This position is also accepted by the learned counsel appearing for the workmen. A contention has been raised that an order for continuing the workmen in employment may be passed by this Court. From the records it appears that the services of the contract labourers in this case stood terminated with effect from 18.9.2000 and the judgment of the High Court which is under challenge was also passed in September, 2000. Therefore it is not for this Court to make any observation or issue any direction regarding interim

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arrangement to be made for continuation of employment of the contract labourers concerned. However, if the concerned workmen raise an industrial dispute and it will be open to both the parties to place their respective cases before the Industrial Tribunal/Labour Court and seek appropriate interim order. It will also be open to the parties to seek expeditious disposal of the proceedings by the Industrial Tribunal/Labour Court.

With the above observations the special leave petitions are disposed of. No costs.

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(Usha Bhardwaj)
P.S. to Registrar

(S.Malkani)
Court Master