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SLP(C)No. 21744 OF 2000

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.21744/2000

(From the judgement and order dated 08/12/2000 in MA 2119/2000  
in CA 4795/99 in LPA 759/99 in SCA 12850/94  
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

OIL & NATURAL GAS CORPN. LTD., TAMILNADU

Petitioner (s)

VERSUS

ENGINEERING MAJDOOR SANGH

Respondent (s)

(With prayer for interim relief & office report)  
( With Appln(s). for exemption from filing c/c of the impugned Judgment  
& Appln. for taking affidavit on record. )

Date : 16/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI  
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr.HN Salve,S.G.  
M/s Nina Gupta,Uday Gupta,  
Jaya Srivastava,Arpita,Advs.  
Mr. Vineet Kumar,Adv.

For Respondent (s) M/s Sameer Parekh,Indoo P.Verma,Advs.  
Mr. P.H. Parekh,Adv.

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

.....L....I.....T.....T.....T.....T.....T.....T.....J....J  
.SP2

Leave is granted.  
The appeal is disposed of in terms of the signed  
order. No costs.

.SP1

[Naresh Kumar]  
Court Master

[Kanwal Singh]  
Court Master

[Signed order is placed on the file.]

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.UP 10 2; Fixed-pitch, smtst; -n -ml4 -PA4 -dFX-NORMAL -Fx -e -j; dumbp  
L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....R

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 1312 OF 2001@@

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[Arising out of SLP(C) 21744/2000]

Oil & Natural Gas Corporation Ltd. ... Appellant

vs.

Engineering Mazdoor Sangh ... Respondent

O R D E R@@

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....L....I....T.....T.....T.....T.....T.....T.....T.....J....R
.SP2

Leave is granted.

Heard the learned Solicitor General for the appellant and Mr. P.H. Parekh for the respondent.

This appeal is from the order of a Division Bench of the High Court of Gujarat at Ahmedabad in Civil Application No.4795/99 in LPA No.759/1999 passed on December 8, 2000.

On January 28, 2000, a Division Bench of the High court passed the following order:

....L....IT.....T.....T.....T.....T.....J.....T....R
.SP1

"We have heard the learned counsel for the parties at length. The order passed by the learned Single Judge is stayed except insofar as the 156 persons are concerned. These 156 persons, whose names are mentioned in the list at pages 523 to 526 of the LPA, will be employed prospectively in the field work known as "Field Party". It goes without saying that this order is passed without prejudice to the rights and contentions that may be raised by both the parties. Rule is made absolute to the aforesaid extent."

....L....I....T.....T.....T.....T.....T.....T.....T.....J....R
.SP2

That order was impugned in SLP(C) No.6753/2000 in this Court but the SLP was withdrawn with liberty to move the High

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Court for clarification. On being approached the High Court clarified the said order on December 8, 2000 in the following terms:-

....L....IT.....T.....T.....T.....T.....J.....T....R
.SP1

"...Therefore, while making the order, we specifically stated that the order passed by the learned Single Judge is stayed except in so far as 156 persons were concerned. Who these 156 persons are has been also mentioned in that order, that is to say, the persons whose names are mentioned in the list at Pages 523 to 526 of LPA. We also made it clear that these 156

persons will be employed prospectively in the field work known as field party. It is not the case of Mr.Mehta that they are to be employed day-to-day, but they are to be employed as Seasonal Workers as they were being employed. Therefore, we find no genuine reasons to make any further clarification. (So far as the benefits which are to be given prospectively are concerned, it is made clear to us by the counsel for workmen that from the date of the order made by the Bench on 28.1.2000, the benefits may be granted prospectively in terms of the order made by the learned Single Judge)...."

....L.....I.....T.....T.....T.....T.....T.....T.....T.....J....R  
.SP2

In so far as the bracketed portion of the order is concerned, we stayed the same on 19.1.2001.

The learned Solicitor General appearing for the appellant contends that the field party works during a particular season and does not consist of permanent employees therefore even 156 persons cannot be accommodated as regular employees; they have been and they would continue to be engaged as field party during the season in which such parties function. Mr. PH Parekh, learned counsel appearing for the workers, on the other hand, contends that the learned

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Single Judge granted them the benefit of to be at par with the regular employees for purposes of giving them all the benefits available to the regular employees except to the status of permanent employees and that should not be denied to them while pending disposal of the appeal.

Inasmuch as in the order of the Division Bench dated 28.1.2000 the interim order was confined to the benefits granted by the learned Single Judge in respect of 156 persons and in the clarificatory order impugned in this appeal dated 8.12.2000 that point has been clarified that they would be given prospectively the benefit of field work, it is unnecessary to further clarify the order here. The benefits given to field workers which are granted by the learned Single Judge should be made available to those 156 persons pending disposal of the appeal. The appeal is accordingly disposed of.

We observe that having regard to the controversy involved in this appeal, it would be appropriate for the High Court to dispose of the appeal as expeditiously as possible, preferably within three months from today. No costs.

.SP1

.....J.  
[ SYED SHAH MOHAMMED QUADRI ]

New Delhi,  
February 16,2001.@@  
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.....J.  
[ S.N. PHUKAN ]