

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(s).3628/2008

(From the judgement and order dated 25/06/2007 in LPA No. 26/2005 & CA No. 170/2005 & CA No. 4398/2007 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

ONGC LABOUR UNION Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)  
(With office report )

Date: 13/09/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM  
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.  
Ms. Jayshree Satpute, Adv.  
Ms.Jyoti Mendiratta,Adv.

For Respondent(s) Mr. Prag Tripathi, ASG  
Mr. Shiv Nath Pandey, Adv.  
Ms. Rekha Pandey,Adv.

Ms. Hemantika Wahi ,Adv  
Ms. Nupur Konungo, Adv.

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

In terms of the interim order passed by the High Court, wages of the persons engaged for work is fixed at the rate of Rs.190/- per day with effect from

.....2/-

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January 1, 2005, regardless of any revision under the Minimum Wages Act.

On hearing Mr. Colin Gonsalves, learned senior Advocate and Mr. Prag Tripathi, learned A.S.G. appearing on the two sides, we are of the view that it is unreasonable to freeze the wages payable to the workmen in complete disregard of the revision of wages under the Minimum Wages Act while the matter remains pending before the High Court.

We, accordingly, direct that the workmen would be paid their wages as per the ONGC notification applicable to unskilled workers.

We are informed that by Circular dated September 6, 2006, the rate of wages was revised, with effect from October 1, 2005, to Rs.215/- per day and by circular dated March 2, 2007, to Rs.250/- per day, with effect from October 1, 2005. The workmen shall be entitled to receive payment from the dates the two circulars came into effect and at the rates fixed therein.

Mr. Prag Tripathi stated here that the persons engaged for work were neither 'workmen' nor the employees of the ONGC. He also stated that at present only three persons were engaged who belonged to Gram Rakshak Dal. Mr.

Colin Gonsalves asserts that the persons engaged for work are 'workmen' and regular employees of the ONGC; they do .....3/-  
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not belong to Gram Rakshak Dal. He, however, accepted that at present only three persons were working but stated that a number of workers had retired during the pendency of the proceedings. Mr. Gonsalves submitted that this interim order should also apply to those workmen who had retired during the pendency of the proceedings.

The order passed by us would, for the present, apply only to the three persons who are currently engaged. The question of payment, at the revised rates as per the Circulars dated September 6, 2006 and March 2, 2007, to those workers who retired during the pendency of the proceeding would be decided by the High Court at the stage of the final disposal of the Writ Petition.

We make it clear that we are expressing no opinion as to whether the concerned persons are workmen under the employment of ONGC or whether they belong to Gram Rakshak Dal.

It is hoped and expected that the High Court would finally dispose of the petition without any undue delay. Both sides gave the undertaking before us that they would not ask for any adjournment before the High Court.

The Special Leave Petition is disposed of.

(Kanchan Jain)  
A.R.

(S.S.R. Krishna)  
Court Master