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C.A.No. 6213 OF 1997  
ITEM No.101 Court No. 12 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.6213 OF 1997

Bharat Petroleum Corpn. Ltd. Appellant (s)

vs.

Mumbai Shramik Sangha & ors. Respondent (s)

With I.A. Nos. 3 to 7

(With Appl.(s) for intervention and directions  
and directions)

(With Office Report)

Date :03/04/2003 These appeals were called on for hearing today.

CORAM :

HON'BLE MR.JUSTICE K.G. BALAKRISHNAN

HON'BLE MR.JUSTICE P.VENKATARAMA REDDI

For Appellant (s) Mr. Soli J. Sorabjee,A.G.  
Mr. T.R. Andharujina,Sr.Adv.  
M/s. Birendra Saraf,Sameer Parekh,Sanad  
Ramakrishnan,Advs,for  
Mr. P.H. Parekh,Adv.  
Mr. Ashim Sood,Adv.  
Mr. Anand Misra,Adv.

For Respondent (s) Mr. Colin Gonsalves,Adv.  
Mr. Bharat Sangal,Adv.  
Mr. P. Ramesh Kumar,Adv.  
Ms. Sangeeta Panckkar,Adv.

Mr. Brij Bhushan,Adv.  
Mr. Arvind Kumar Sharma,Adv.  
Mr. C.K. Ganguly,Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is allowed in terms of the signed order.

(Sarojbala)(Veera Verma)

PA to Addl.Registrar

Court Master

(The signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
CIVIL APPEAL NO.6213 OF 1997

Bharat Petroleum Corpn. Ltd. Appellant(s)

Vs.

Mumbai Shramik Sangha & Ors. Respondent(s)

O R D E R

This appeal is filed by the Bharat Petroleum Corporation Ltd. Against the judgment of the Division Bench of the Bombay High Court. The first respondent is the Union representing 27 workmen who were engaged by a contract for cleaning, sweeping, dusting and watching of buildings residential owned by the appellant Corporation. The first respondent filed a writ petition befo

re the High Court. On 9th December, 1976 the Central Government, after consultation with the Central Advisory Contract Labour Board u/s 10(1) of the Contract Labour (Regulation & Abolition) Act, 1970 (for short 'the Act') abolished the employment of the contract labour from 1st March, 1977 for cleaning, sweeping and watching of buildings owned by the Central Government. After this notification, the 1st respondent filed writ petition praying that these workers represented by the Union shall be absorbed by the appellant Corporation. The Division Bench relying on the decision of this Court in AIR India Statutory Corporation and Ors. Vs. United Labour Union & Ors. 1997 (9) SCC 377 held that the workers represented by the 1st respondent Union shall be absorbed by the appellant Corporation w.e.f. 1.2.1991. Aggrieved by the said order the appellant herein filed the present appeal. The operation of the impugned judgment was stayed by this Court by order dated 19.8.1997.

Air India Statutory Corporation (supra) was overruled by a Constitution Bench of this Court in Steel Authority of India Ltd. vs. National Union Waterfront Workers & Ors. 2001(7) SCC 1 and the learned counsel for the appellant contends that in view of the said decision of the Constitution Bench, the directions given by the High Court are to be vacated and the appeal be allowed. Learned counsel for the respondents submitted that several points urged by the respondents in the writ petition were upheld by the High Court and the finding to this effect that the "housing colonies" is an establishment has far reaching effect and, therefore, this question has to be considered by this Court. It is also submitted that the 1st respondent Union would be taking steps to approach the Central Contract Labour Board seeking fresh notification u/s. 10 of the Act. We do not propose to go into the various legal questions involved in this matter as we make it clear that the respondent would be at liberty to urge those points before the appropriate authority. We, therefore, leave open those questions as we do not find it necessary for the disposal of these appeals.

The counsel for the respondents further contended that these workmen have been continuing in the employment of the Corporation and working in the housing colonies since 1991 and during the pendency of this appeal also they continued to do the work. The learned counsel submitted that till the decision is taken by the Board regarding notification u/s 10 of the Act, they may be allowed to continue under such terms and conditions as the Court may deem fit.

Having regard to the special facts and circumstances of the case, we direct that the appellant Corporation may allow these workers to continue to work for a period of six months. The status quo regarding employment of these workers for a period of six months from this date shall be subject to the liberty to the Corporation to take any action on ground of misconduct. In the meanwhile the respondents would be at liberty to take such other steps as are proposed to be done under the Act in the light of Constitution Bench decision.

The appeal is allowed to the extent as above.

I.A. 4 and 5

These two applications have been filed by the applicants who are not parties. It is contended by these applicants that in view of the pendency of this appeal, the decision regarding the issuance of the notification is not being taken by the Board. Since the appeal has been disposed of today, the appellant can apply for a copy of the certified judgment and produce it before appropriate authority for further action.

I.As are disposed of accordingly.

.....J.  
(K.G. Balakrishnan)

.....J.  
(P.Venkatarama Reddi)

NEW DELHI  
April 03, 2003.