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C.A.No. 6213 OF 1997

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IN THE SUPREME COURT OF INDIA@@  
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CIVIL APPELLATE JURISDICTION@@  
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CIVIL APPEAL NO. 6213 OF 1997@@  
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Bharat Petroleum Corpn. Ltd. ....Appellant(s)

versus

Mumbai Shramik Sangha & Ors. ...Respondent(s)

With I.A.Nos.3 to 6@@  
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O R D E R@@  
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The order of reference to a Constitution Bench is dated 13th January, 1998. Two learned Judges of this Court have doubted the correctness of the scope attributed to Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 in the Constitution Bench Judgment in Gammon (India) Ltd. vs. Union of India (1974 (3) SCR 665). This is how the matter comes before us.

We are of the view that a decision of a Constitution Bench of this Court binds a Bench of two learned Judges of this Court and that judicial discipline obliges them to follow it, regardless of their doubts about its correctness. At the most, they could have ordered that the matter be heard by a Bench of three learned Judges.

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Accordingly, this matter shall now be heard and decided by a Bench of two learned Judges.

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.....J.  
(S.P. Bharucha)

.....J.  
(V.N. Khare)

.....J.  
(N. Santosh Hegde)



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The order of reference to a Constitution Bench is dated 13th January, 1998. Two learned Judges of this Court have doubted the correctness of the scope attributed to Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 in the Constitution Bench ..2/

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Judgment in Gammon (India) Ltd. vs. Union of India (1974 (3) SCR@@  
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Accordingly, this matter shall now be heard and decided by a Bench of two learned Judges.

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(N. Annapurna)  
Court Master

(Shelly Sengupta)  
Court Master

Signed Order is placed on the file. REPORTABLE.@@  
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