

CASE NO.:
Appeal (civil) 6607 of 2005

PETITIONER:
O.N.G.C. LTD.

RESPONDENT:
ENGINEERING MAZDOOR SANGH

DATE OF JUDGMENT: 08/02/2008

BENCH:
ALTAMAS KABIR & J.M. PANCHAL

JUDGMENT:
JUDGMENT

O R D E R
I.A. NO.10
IN
CIVIL APPEAL NO. 6607 OF 2005.

This is an application filed by the respondent for clarification of the Judgment and Order passed by us on 20th November, 2006, in Civil Appeal lNo.6607/05, whereby we had disposed of the appeal in the following terms:

'We, accordingly, dispose of this appeal by setting aside the judgments and orders of both the learned Single Judge and the Division Bench of the High Court and restoring the judgment and order passed by the Tribunal. We, however, add that till such time as these 153 workmen are not absorbed against regular vacancies in the concerned category no recruitment from outside will be made by the appellant. Furthermore, even in matters of seasonal employment the said 153 workmen or the numbers that remain after regularization from time to time, shall be first considered for employment before any other workmen are engaged for the same type of work in the field. The appellant should make a serious attempt to regularize the services of the workmen concerned, in terms of the order passed by the Tribunal, as quickly as possible, but preferably within a period of two years from the date of this order.\024

As will appear from the above direction, we had indicated that 153 workmen concerned were to be absorbed against regular vacancies in the concerned category in terms of the Award passed by the Tribunal. We had also indicated that the appellant should make serious attempts to regularize the services of the workmen concerned, in terms of the said order of the Tribunal as quickly as possible, preferably within a period of two years from the date of this Order.

Mr. Ranjeet Kumar, learned senior counsel appearing in support of the application, submitted that till today none of the 153 workmen have been regularized in terms of our Order or in terms of the Tribunal's Order and instead tenure appointments were being given so as to frustrate the Order passed by us. Mr. Ranjeet Kumar also pointed out that the appellant was also obstructing the implementation of the directions given by us on the ground that the said 153 workmen were not eligible for appointment in their respective category in terms of the eligibility criteria in existence after 1994.

Having considered the submission made on behalf of the respective parties, we clarify our directions contained in our said Judgment and Order dated 20th November, 2006. by indicating that as far as the 153 workmen are concerned,

the eligibility criteria in their cases would be as was existing on the date of the Tribunal's judgment, namely, 6th June, 1994. We also make it clear that as far as age bar is concerned, since the said 153 workmen had not been given any further employment for 240 days after the judgment of the Tribunal, the condition which had been indicated by the Tribunal regarding relaxation of age bar by giving one year's

relaxation to further 240 days would apply in their cases.

Accordingly, we direct that if the said 153 workmen were barred on account of being over-age on the date of the order of the Tribunal, indicated hereinabove, the directions given by us will apply to them as well.

The application for clarification is disposed of with the abovesaid directions. There will be no order as to costs.

JUDIS