

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NOS. 2383-2384 OF 2009

[Arising out of SLP(C) Nos. 18357-18358/2005]

OIL & NATURAL GAS CORPORATION LTD. ... APPELLANT(S)

:VERSUS:

THE PETROLEUM EMPLOYEES UNION AND ORS. ... RESPONDENT(S)

WITH

CIVIL APPEAL NOS. 2386-2387 OF 2009

[Arising out of SLP(C) Nos. 17615-17616/2005]

CIVIL APPEAL NOS. 2388-2389 OF 2009

[Arising out of SLP(C) Nos. 17978-17979/2005]

CIVIL APPEAL NOS. 2390-2391 OF 2009

[Arising out of SLP(C) Nos. 18816-18817/2005]

CIVIL APPEAL NOS. 2393-2394 OF 2009

[Arising out of SLP(C) Nos. 17887-17888/2005]

CIVIL APPEAL NOS. 2395-2396 OF 2009

[Arising out of SLP(C) Nos. 19005-19006/2005]

CIVIL APPEAL NOS. 2397-2398 OF 2009

[Arising out of SLP(C) Nos. 18309-18310/2005]

CIVIL APPEAL NOS. 2399-2400 OF 2009

[Arising out of SLP(C) Nos. 19018-19019/2005]

ORDER

Leave granted.

Having heard the learned counsel for the parties, we are of the opinion that keeping in view the decision of this Court in Steel Authority of India and Ors. vs. National Union

Waterfront Workers and Ors.[2001 (7) SCC 1], the question as to whether the contract between the contractor and management of O.N.G.C. was sham or not, should be decided by the Industrial Tribunal. We, therefore, are of the opinion that the interim relief, if any, prayed for by the workmen may also be determined by the said Tribunal.

However, keeping in view the passage of time as also the interim order of stay passed by this Court on 25.8.2005, paragraph 8 of the impugned order need not be implemented till any appropriate order is passed by the Tribunal.

It is needless to say that all contentions of the parties, including the question of maintainability of the reference, shall remain open.

The appeals are disposed of with the aforementioned direction.

**.....J
(S.B. SINHA)**

**.....J
(Dr. MUKUNDAKAM SHARMA)**

**NEW DELHI,
MARCH 30, 2008.**