

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-2, MUMBAI**

REFERENCE CGIT-2/40 of 2017

**EMPLOYERS IN RELATION TO THE MANAGEMENT OF
Oil and Natural Gas Commission Ltd.
AND**

**THEIR WORKMEN.
(Oil Field Employees Association & 2 Ors.)**

**ORDER BELOW EX-177
(Delivered on 06-09-2024)**

Read application filed by the First Party. Perused the say given on behalf of the Second Party. Heard both the sides at length.

According to the First Party ONGC that, Second Party Union placed the copies of MOS (Memorandum of settlement) signed by MbPT 2007 onwards, are not disputed however the present Reference is not of regular employee. The Tribunal cannot direct renewal of MOU for contract workers. The wage revision for Port & Dock worker was/is not applicable to the First Party. The wage revision based on MbPT cannot apply to these workers, when they have accepted MOS dated 19.09.2016. The workers involved in the Reference are not governed by Major Port Act & Dock workers Act and for the purpose of carry out the exercise of fixing wages, the oral evidence is necessary, thus First Party is seeking permission to lead evidence before the Court.

The Second Party No.1,2 & 3 resisted the application on the ground that, the matter is remanded only for fixing the wage scale of individual workmen, no evidence is required. The application is not related to the issue before the Tribunal and ultimately prayed for rejection of the application.

It will not be out of place to mention here that, initially my Learned predecessor was pleased to pass an award in the present matter, the same was set aside by the High Court in Writ Petition No.13015 of 20 by order dated 30.01.2020. That order was confirmed by the Apex Court of the land. As per order dated 30.01.2020 the Hon'ble Lordship of Bombay High Court appreciated that, I quote-

Para 20- Coming now to the reliefs formulated by it, it is but apparent that, the Tribunal does not appear to have applied its mind to individual revisions that may have to be made. As we here noted above, there is no infirmity in the conclusion of the tribunal that, wage revisions had to be on the lines of MbPT settlement for the relevant period, but then based on related MbPT settlement, the Court had to work out individual wage revisions for different categories of workmen, whose cause was expoused by the Second Party Union in the present case.

It is clear from the above observations that, the Hon'ble Lordship accepted the finding given in the award that, the wage revisions had to be on the lines of MbPT settlement for the relevant period however this Tribunal had to work out

individual wage revision for different categories for workmen involved in the Reference. The Party No. 1 fairly stated in the present application that settlement signed by the MbPT 2007 onwards are not disputed. In such circumstances it is certain that, the wage revision had to be made on the line of MbPT settlement for the relevant period.

Not only this but, the Hon'ble Lordship further observed that,

“The Tribunal, firstly, had to work out individually revised wage scales and allowance for workmen at 12 Victoria Dock and Nhava Supply Base; it then, had to formulate reasonable consolidated wages for workmen other than those working in 12 Victoria Dock and Nhava Supply Base. It is one thing to say that, the basis of wage revision is available in a document and quite another to apply that basis to the individual facts of the case. For example, it is one thing to say that workmen other than those working in 12VD and Nhava Supply Base were to be paid wages, that is, consolidated wages, worked out on the basis of minimum basic wages of the concerned categories of MbPT workers plus adjustments towards allowances, and quite another to actually provide for and stipulate such consolidated wages so calculated and adjusted.”

From the above observations of the Hon'ble Lordship, the wage revision had to be done on the basis of MbPT settlement for the relevant period but then based on related MbPT settlements and it is expected from the Tribunal to work out individual revise wage scales and allowances for workmen at 12VD and Nhava Supply Base that to on the basis of material available on record. The contention made in respect of 12VD and Nhava Suppy Base is never disputed by the Second Party during the course of argument and exercise required to be done by this Tribunal is only on the basis of material available on record more particularly in the lines of MbPT settlement.

Previously the First Party made an application for permission seeking direction to the parties to lead evidence before the Court however that application was rejected by the Court on the ground that no additional evidence is required for wage revision of individual workmen as the Hon'ble Lordship directed this Court to decide the same on the basis of material available on record only.

Much is argued about the change circumstances because of the MOS dated 19.09.2016 however the observations of the High Court are of 2020 therefore I do not think that, there is any necessity for the First Party to adduce any fresh evidence before the Court simply for the calculation of individual wage based on MbPT settlements and allowing this application will contrary to the observation of the High Court.

In the result, the application is rejected. The subject to cost of Rs.1500/-.

Sd/-

Date: 06-09-2024

(Shrikant K. Deshpande)
Presiding Officer
CGIT -2, Mumbai