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W.P.No.739 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 30/7/2026

Pronounced on: 4/8/2026

C O R A M

THE HONOURABLE Mr.JUSTICE K. SURENDER

Writ Petition No.739 of 2022

a n d

W.M.P.Nos.813 and 815 of 2022

The Management of

Oil and Natural Gas Corporation Limited

rep. By its Regional Director

Southern Regional Business Centre

Oil & Natural Gas Corporation Ltd

CMDA Building

No.8 Gandhi Irwin Road, Egmore

Chennai 600 008.

...

Petitioner

Vs

1. The Government of India

Ministry of Labour

rep. By its Under Secretary

Shram Shakti Bhavan, Rafi Marg

New Delhi 110 001.



W.P.No.739 of 2022

2. The Deputy Chief Labour Commissioner (Central)

Ministry of Labour
Shastri Bhavan, Haddows Road
Chennai 600 006.

3. ONGC Madras Port Contract Employees Union

rep. By its Secretary
No.8 Venkatesapuram II Street
Triplicane
Chennai 600 005.

4. The Transport and Dock Workers Union

rep. By its Secretary
9, II Line Beach
Chennai 600 001.

5. Pandian Transport

rep. By its Proprietor – Mr.Pandian
No.40, Mannarswamy Koil Street
Royapuram
Chennai 600 013.

...

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of writ of certiorari to call for the records of the respondents 1 and 2 relating to the proceedings culminating in the order of the first respondent bearing No.L-30011/37/1999-IR (M) dated 17/5/2017 and to quash the same.

2/10



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W.P.No.739 of 2022

For petitioner

... Mr.Giridhar
Senior Advocate
for M/s.P.V.Giridhaar & Associates

For respondents

... Mr.K.S.Jeyaganeshan
for R.R.1 and 2

Mr.Hari Radhakrishnan
for R.3

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ORDER

This writ petition has been filed to quash the order dated 17/5/2017 passed by the first respondent in No.L-30011/37/1999-IR (M).

2. The facts of the case as stated by the counsel for the petitioner are that the Company is engaged in the exploration and production of hydrocarbons in various sedimentary basins in India. For the said purpose, Company has engaged several workers for different types of works and the said employees have been engaged through contractors. The fourth respondent Union, raised an Industrial Dispute with regard to revision of wages of workmen who were working for ONGC, appointed through contractors. The fourth respondent's grievance regarding Industrial Dispute was declined on 19/9/1995 on the ground that the workmen were never

3/10



W.P.No.739 of 2022

directly employed by ONGC but employed by various contractors.

Accordingly, no Industrial Dispute would exist against ONGC.

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3. However, the third respondent Union attempted to raise an Industrial Dispute with the Regional Labour Commissioner on 21/8/1997. Conciliation Proceedings were held, however failed.

4. A reference stating that an I.D existed between Management of ONGC and their workmen was referred by the Government to the Labour Court.

5. The said Reference dated 17/11/1999 was questioned before this Court in W.P.No.21407 of 2000. This Court, by an order dated 19/4/2002, ordered as follows:-

“18. The elaborate objections filed by the writ petitioner on 21/11/1997 appear not to have been considered at all by the first respondent. May be it is an administrative order, but there should be some indication that there was application ----- passing the order that the objections raised had indeed been taken into consideration by the first respondent before referring the dispute under



WEB COPY



W.P.No.739 of 2022

Section 10 (1) of the Act. It has been specifically stated that the petitioner was never the direct employer at any point of time, which was accepted earlier on the same set of facts. It cannot be said that some new facts were brought to the notice of the first respondent, or that there was some other relevant consideration for referring the matter under Section 10 (1) of the Act. The power by the first respondent does not appear to have been exercised reasonably and in a rational manner. The existence of an industrial dispute alone will clothe the appropriate Government with power to make a reference and the Industrial Tribunal to adjudicate it.”

6. Issue of the workers was again raised and a Reference/order dated 17/5/2017 by the first respondent was sent to the Labour Court and the same reads as follows:-

“Whether the demand of ONGC Madras Port Contract Employees Union seeking regularisation of 55 contract workmen in the Principal Employer establishment of Oil and Natural Gas Corporation Ltd., Chennai listed in Annexure – A as ONGC is Principal Employer is legal and justified? If not, to what relief the workmen are entitled to?”

7. The said Reference was registered as I.D.No.48 of 2017 and the same is pending adjudication before the labour Court. Questioning the
5/10



W.P.No.739 of 2022

correctness of the Reference made on 17/5/2017, the petitioner has filed the present writ petition five years after the Reference was registered and enquiry being conducted by the labour Court.

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8. The main grounds urged by the learned counsel appearing for the petitioner are that

(i). Reference, *prima facie* does not indicate that there was any employer - employee relationship between ONGC and the workers, and as such the reference itself which is inconclusive is bad.

(ii). The workers are contract labourers who are subject to the Contract Labour Act, and the Government cannot make any reference under Section 10 (1) of the Industrial Disputes Act.

(iii). The workers would be covered under the Contract Workers Employment Act, 1948, and as such, there cannot be any Reference to Labour Court and an Industrial Dispute cannot be maintained.

(iv). The original reference of the year 1999, was quashed by this Hon'ble Court in W.P. No. 21407 of 2000, and 12 years after the said order, the present Reference has been made.



W.P.No.739 of 2022

(v). The dispute is vexatious and since 12 years had passed after order

in W.P.No.21407 of 2000, the Reference dated 17/5/2017 is bad and made without any basis. No new facts are asserted apart from what was mentioned in 1999 Reference.

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9. When questioned by this Court, the learned Senior Counsel appearing for the petitioner had fairly conceded that all these issues have been raised before the labour Court in the Industrial Dispute and evidence has also been let in by both the parties.

10. The learned counsel appearing for the respondents submitted that the proceedings were completed in the labour Court including the final argument and the matter was reserved for orders on 28/7/2026, which is not disputed by the learned counsel for the petitioner.

11. All the grounds raised by the learned counsel appearing for the petitioner are on the basis of facts, and labour Court having taken cognizance of the Reference and examining witnesses on either side has reserved the case for pronouncing orders. In such a scenario, when the labour Court has taken

7/10



W.P.No.739 of 2022

nearly 10 years to record evidence for answering the said issues/points raised by the petitioner, this Court under Article 226 of the Constitution of India cannot decide regarding the correctness of the Reference in 2017, on facts.

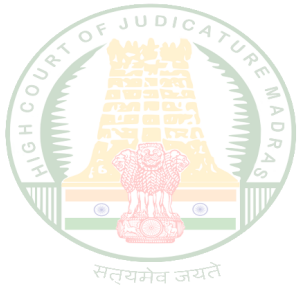
12. Since orders are yet to be pronounced by the labour Court on the issues raised by the learned counsel, this **writ petition is dismissed**. Dismissal of this writ petition will not in any manner have any impact on the findings of the labour Court, since this Court has not decided any of the issues or grounds raised by the petitioner. No costs. Consequently, connected Miscellaneous Petitions are closed.

(K.SURENDER,J)
4/8/2026

mvs.

Index: Yes

Neutral Citation: Yes



W.P.No.739 of 2022

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To:

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Government of India
Ministry of Labour
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New Delhi 110 001.
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WEB COPY



W.P.No.739 of 2022

K.SURENDER, J

mvs.

Pre-delivery order made in
Writ Petition No.739 of 2022

4/8/2026