

A

BHARAT PETROLEUM CORPORATION LTD.

v

MUMBAI SHRAMIK SANGHA AND ORS.

APRIL 25, 2001

B

[S.P. BHARUCHA, V.N. KHARE, N. SANTOSH HEGDE, Y.K.  
SABHARWAL AND SHIVARAJ V. PATIL, JJ.]

C *Judicial discipline—Judgment given by a Constitution Bench\*—Bench of two Judges doubted the correctness of judgment of Constitution Bench—Consequential reference—Held—Decision of Constitution Bench binds a Bench of two Judges—Judicial discipline obliges them to follow it—Accordingly matter should be heard and decided by a Bench of two Judges.*

D \**Gammon (India) Ltd. v. Union of India, [1974] 3 SCR 665, referred to.*

E CIVIL APPELLATE JURISDICTION : Civil Appeal No. 6213 of 1997.

F From the Judgment and Order dated 30/31.1.97 and 21.2.97 of the Bombay High Court in W.P. No. 436 of 1991.

G T.R. Andharujina, P.N. Misra, P.H. Parekh, Sameer Parekh, Birender Saraf, Ms. Indoo P. Verma, Colin Gonsalves, Bharat Sangal, Ms. Aparna Bhat, Ms. Asha Pathak, Biswajit S., C.K. Ganguli, Brij Bhushan, K.C. Kaushik and C. Radhakrishna for Arvind Kr. Sharma for the appearing parties.

F

The following Order of the Court was delivered :

ORDER

H 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. v. Union of India, [1974] 3 SCR 665*. This is how the matter comes before us.

I 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 A  
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.

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

T.N.A.

Matter is still pending.