

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6742 OF 2014

Indo German Tool Room Employees
Association, The Trade Union, A'bad. .. Petitioner

Versus

The Union of India and another .. Respondents

Shri B. R. Kaware, Advocate for the Petitioner.
Shri S. B. Deshpande, Assistant Solicitor General for the
Respondent No. 1.
Shri S. V. Dankh, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
V. L ACHLIYA, JJ.**

DATE : 03RD MARCH, 2015.

PER COURT :

. Heard Mr. Kaware, the learned counsel for the petitioner, Mr. Deshpande, the learned Assistant Solicitor General for the respondent No. 1 and Mr. Dankh, the learned counsel for the respondent No. 2.

2. Though the learned counsel for the petitioner and the respondent No. 2 have canvassed their arguments on length, we are not going into merits of the said contentions for the only reason that the order which is impugned in the present writ petition and by virtue of which the respondent No. 1 has held

that, the matter raised by the disputant cannot be considered for adjudication is bereft of any reasons. There is no dispute that, the respondent No. 1 can consider the report of failure of conciliation and thereafter may or may not refer the said dispute to the Industrial Tribunal on the application of any party. There is also no dispute amongst the parties that, while considering the application for referring the said to the Industrial Tribunal, the respondent No. 1 has to be *prima facie* satisfied about the case made out.

3. Perusal of the impugned order rejecting the application for adjudication and referring it to Industrial Tribunal, the same is bereft of any reasons. In the impugned order only reason that has been given is as under :

"It is reported that the Union has has not complied the provisions of rules and regulation of Indo German Tools Rooms for getting recognition. Since their demand of recognition not comes under the purview of the ID Act and other demands which they have raised has been settled by the management, there is no merit in the case of union. Hence the instant dispute is not recommended for judicial scrutiny." Hence, the matter raised by the disputant cannot be considered for adjudication.

4. From the said order it nowhere transpires that the authority has applied its mind and on what basis it has come to the conclusion that the demands which have been raised have

been settled by the management. In fact, reasons depict the application of mind on the part of authority passing the order. It is the life line of any administrative or quasi judicial order passed. Nothing is depicted as to how the respondent No. 1 has considered the case put forth by the petitioner and the respondent No. 2.

5. In the light of the above, the impugned order is quashed and set aside. The matter is remitted back to the respondent No. 1 for considering the matter afresh. The writ petition accordingly is disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

bsb/March 15