

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7795 OF 2014

Maharashtra Navnirman Kamgar Sena,
Ground Floor, BMC Parking Plaza,
G-North, Near Building of Municipal
Corporation, Dadar (West), Mumbai
Through its Divisional Secretary,
Chandrakant Rabhaji Dhawale,
Age 47 years, Occ. Agriculture,
R/o Gharegharjune, Taluka and
District Ahmednagar.

..Petitioner

Versus

1. IndoSculp AutoComp Pvt. Ltd.,
A-67, MIDC, Ahmednagar,
Through its Chairman.

2. Managing Director,
IndoSculp AutoComp Pvt. Ltd.,
A-67, MIDC, Ahmednagar.

3. Rupesh Yawale,
Rupali Engineering,
Plot No.D-132, MIDC,
Shendra, Aurangabad.

..Respondents

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Advocate for Petitioner : Shri Barde Parag Vijay
Advocate for Respondents 1 & 2 : Shri V. N. Upadhye
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CORAM : RAVINDRA V. GHUGE, J.

Dated: August 13, 2015
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ORAL JUDGMENT :-

1. Heard.

2. Rule.

3. By consent, Rule is made returnable forthwith and the petition is taken up for final disposal.

4. The petitioner - Union has challenged the interim order dated 6.10.2014, delivered by the Industrial Court, in Complaint (ULP) No.41 of 2014 below Application Exhibit U-2 under Section 30(2) of the the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 ("the said Act ").

5. The petitioner has filed the above referred Complaint on behalf of the four workers, who's names appear in the list of workers at Annexure "A" to the complaint. They are namely, Mahadev Danial Sathe, Sachin Dashrath Gerange, Suhas Navasaheb Lande and Pandurang Eknath Dahiphale.

6. Grievance of the Union and the said four workers was that they have been served with orders of transfers from Ahmednagar to Aurangabad. By the impugned order, dated 6.8.2014, the Industrial Court has declined to grant interim relief to the Union in favour of these four persons.

7. Shri Barde, learned Advocate has placed on record a purshis which is duly supported with the affidavits of the said four persons, dated 13.8.2015. He submits that these four persons have instructed the learned Advocate to withdraw this petition. However, he candidly submits that the petitioner Union has not instructed him to withdraw this petition.

8. The purshis (five pages) is taken on record and marked as Exhibit "X" for identification.

9. Shri Upadhye, learned Advocate has opposed the petition to the extent of the contentions of the petitioner and has supported the impugned order.

10. Since Complaint (ULP) No.41 of 2014 is still pending before the Industrial Court and since the impugned order, which is of an interlocutory nature, has been passed on 6.8.2014, which is more than a year ago, I am not causing any intereference in the said order in these peculiar circumstances. For the said reason, I am not passing any orders in this petition in the light of Exhibit "X".

11. Needless to state, it is left to the said four workers or their Union to either pursue the pending complaint or withdraw it if they so deem it proper.

12. This petition is, therefore, disposed off for the aforesaid recorded reason. Rule is discharged.

(RAVINDRA V. GHUGE, J.)

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