

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.7243 OF 2014**

Krantikari Kamgar Union

...Petitioner.

versus

Conciliation Officer and
Administrator of Dadra &
Nagar Haveli and another

..Respondents.

.....

Mr. Manmohan A. Amonkar with Mr. Rajmohan A. Amonkar for the
Petitioner.

Mr. S.S. Deshmukh for Respondent No.1.

Mr. S.K. Talsania, Senior Advocate i/b Mr. R.V. Paranjape for Respondent
No.2.

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**CORAM : NARESH H. PATIL &
A.S. GADKARI, JJ.****16 January, 2015****P.C. :**

The Petitioner challenges the order passed by the Conciliation Officer dated 22nd April, 2014, holding a departmental enquiry under the Dadra and Nagar Haveli Model Standing Orders, 2005.

2. The learned senior counsel appearing for the Petitioner submits that in view of the order passed by a Division Bench of this Court in Writ Petition No.3362 of 2008 on 2nd August, 2011, the Central Standing Orders are made applicable to the enquiries conducted by the Union Territory

administration. The administration has conducted enquiry under the Dadra and Nagar Haveli Model Standing Orders. The Petitioner has not been represented properly though it has cross examined witnesses. The Union representative was not permitted to cross examine which has caused prejudice to the Petitioner. The learned counsel further submitted that the Conciliation Officer erroneously rejected the reference of industrial dispute.

3. The learned senior counsel appearing for Respondent No.2 submits that the enquiry is proceeding since last two years and the management is unable to complete the enquiry. The Petitioner was given an opportunity. It has cross examined the witnesses in detail. Number of adjournments were taken during the course of the enquiry. The conduct of the Petitioner is reflected from the charges levelled against. This is a matter concerning the safety of women workers in the factory premises. The Petitioner has got adequate opportunities to represent itself. In the facts, the Conciliation Officer has rejected the reference under Section 2(k) of the Industrial Disputes Act, 1947 by observing that it does not constitute an 'industrial dispute'.

4. We have seen from the record shown to us that the Petitioner has cross examined the witnesses in detail including the women employees and others. In such matters, the enquiry shall be completed at the earliest. It is in the larger interest of the administration of any establishment. However, in case the Petitioner is aggrieved by the final outcome of the

enquiry, all remedies are open to be pursued before the appropriate forum. We are not inclined to exercise writ jurisdiction to interfere in the matter, at this stage The Petition is dismissed.

All contentions on merits are kept open.

(Naresh H. Patil, J.)

(A.S. Gadkari, J.)