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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9201 OF 2014

M/s.Eigen Technical Services Pvt.Ltd.& anr. .. Petitioners

Vs.

State of Maharashtra and others .. Respondents

Ms.Kavita Dhmale a/w Ms.Ruchika Mahajan i/b Sharon Pinto,
Advocate for the Petitioners.

Mr.Mahesh A.Shukla, Advocate for Respondent No.2.

CORAM : R.G.KETKAR, J.

DATE : 07th JANUARY, 2015

P.C. :

. Heard Ms.Kavita Dhmale, learned Counsel for the petitioner and Mr. Mahesh A.Shukla, learned Counsel for the respondent No.2.

2. By this petition under Article 226 of the Constitution of India, the petitioners have challenged the judgment and order dated 26/02/2013 passed by the learned Judge, 2nd Labour Court, Thane in Complaint (ULP) No. 59 of 2009. By that order, the learned Judge allowed the complaint filed under section 28 read with item No.1 (a), (b),(d), (f) & (g) of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short 'Act') and declared that the petitioners herein have engaged

unfair labour practices under item No. 1(a) of Schedule IV of the Act. The Labour Court directed the petitioners to reinstate respondent No.2- Complainant with 40% back wages with continuity of service with effect from 14/04/2009. Mr.Shukla raised preliminary objection that against the order passed by the Labour Court, the petitioners have an efficacious alternate remedy by way of revision under section 44 of the Act. I find substance in the submission of Mr.Shukla. The petitioners have statutory remedy of revision under section 44 of the Act.

3. In view thereof, the petition is dismissed on the ground of availability of an alternate remedy. It is made clear that I have not expressed any opinion on merits of the case either way.

4. All the contentions of the parties on merits are expressly kept open.

(R.G.KETKAR, J.)