

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 10202 OF 2014

Kolhapur Zilla Auodhyogik
Kamagar Sanghatana, through
its General Secretary Shri
Vishwas Naryanrao Powar

Petitioner

Vs

1. Sainik eEgineering Works,
through its partner ..

.. Respondent

Mr. A.M.Adagule, Advocate for Petitioner.
None for the respondent.

CORAM : R.G.KETKAR,J.
DATE : 11/02/2015

PC:

1. Heard Mr. A.M.Adagule, learned counsel for the petitioner at length.
2. By this Petition under Articles 226 and 226 of the Constitution of India, the petitioner has challenged the Judgment and order dated 5.4.2014 passed by the learned Member, Industrial Court No.2, Kolhapur, in Revision Application (ULP) No.167 of 2009. By that order, the Industrial Court dismissed the Revision Application and upheld the order dated 3.10.2009 passed by the learned Judge, first Labour Court, Kolhapur in Complaint (ULP) No.273 of 2000 in respect of Sambhaji Naik.
3. Mr. Adagule submitted that on behalf of No.1-Arun Sawant, No.2-Mahipati Jadhav and No.3-Sambhaji Naik, the petitioner has instituted complaint under section 28 read with item 1(a),(b),(c),

(d),(f),(g) of Schedule IV of the Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act, 1971 (for short, "Act"). By the Judgment and order dated 3.10.2009, the Labour Court partly allowed the complaint and declared that by paying less compensation amount to Arun Sawant and Mahipati Jadhav, the respondent had committed unfair labour practice under Item 1(b) of Schedule IV of the Act. The Revision Application preferred against that order was dismissed by the Industrial Court. The only submission advanced on behalf of the petitioner is that even Sambhaji Naik was entitled to be treated similarly. It is not possible to accept this submission having regard to the dates of appointments of Arun Sawant, Mahipati Jadhav and Sambhaji Naik. Arun Sawant was appointed on 11.3.1997. Mahipati Jadhav was appointed on 2.5.1997 and Sambhaji Naik was appointed on 12.2.1998. The Courts below accordingly held that Sambhaji Naik was the junior most in senior list and having regard to the principle of "last come first go", no relief could be granted to him. In view of the undisputed position that Sambhaji Naik is the junior most in senior list, I do not find that the Courts below committed any error in passing the impugned order. Hence, the Petition fails and the same is dismissed.

(R.G.KETKAR, J.)