

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10179 OF 2014**

Bank Employees Union,
Kolhapur, through the Secretary

Petitioner

....

Vs

1.Choundeshwari Sahakari Bank
Ltd and Ors

.. Respondents

Mr. Sandesh Shukla i/b Abhay Nevagi & Associates, for
Petitioners.

Mr. Kiran Bapat i/b Avinash H. Fatangare, for the Respondents.

CORAM : R.G.KETKAR,J.

DATE : 27/01/2015

PC:

1. Heard Mr. Sandesh Shukla, learned counsel for the petitioner and Mr.Kiran Bapat, learned counsel for the respondents at length.

2. By this Petition under Articles 226 and 227 of the Constitution of India, the petitioner-union has challenged the Judgment and order dated 10.10.2014 passed by the learned Member, Industrial Court No.2, Kolhapur in Revision Application (ULP) No.135 of 2014. By that order, the Industrial Court allowed the Revision Application preferred by the respondents and quashed and set aside the Judgment and order dated 11.9.2014 passed by the learned Judge, Labour Court No.1, Kolhapur below Exhibit U-2 in Complaint (ULP) No.48 of 2014.

3. In support of this Petition, Mr. Shukla submitted that

Section 42 of the Bombay Industrial Relations Act, 1946 (for short, 'Act') lays down that any employer intending to effect any change in respect of an industrial matter specified in Schedule II shall give notice of such intention in the prescribed form to the representative of employees, amongst other things. He submitted that notice in respect of item 1 of Schedule II is not given in the present case. Item 1 reads as under:-

“1. Reduction intended to be of permanent or semi-permanent character in the number post or of persons employed or to be employed in any occupation or process or department or departments or in a shift not due to force majeure.”

4. On the other hand, . Bapat submitted that in the facts and circumstances of the present case, Section 42 of the Act is not applicable.

5. After arguing the Petition for some time, Mr. Shukla seeks permission to withdraw this Petition and submits that the Labour Court may be directed to dispose of the Complaint in a time bound manner.

6. On the motion made by Mr. Shukla, the Petition is allowed to be withdrawn and is disposed of as such. All contentions of the parties on merits are expressly kept open. If the petitioner takes out application for expeditious disposal of the Complaint, the Labour Court will pass appropriate orders thereon.

(R.G.KETKAR, J.)