

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11655 OF 2014**

Municipal Mazdoor Union Petitioner

Vs.

Municipal Corporation of Greater Mumbai & Ors. Respondents

Ms. Neeta Karnik, Advocate for the Petitioner.

Mr. A.V. Bukhari, Senior Counsel alongwith Ms. Pallavi Thakar,
Advocate for the respondents.

Coram : Smt. R.P. SondurBaldota, J.

Date : 31st March, 2015.

P.C.

1 This petition is directed against the order dtd. 29th October, 2014, by which the Industrial Court, Mumbai dismissed the application for interim reliefs filed by the petitioner in Complaint (ULP) No.289 of 2014. Respondent no.1 is the statutory Corporation incorporated under the Mumbai Municipal Corporation Act, 1888. Respondent no.2 to 4 are the Municipal Commissioner and CEO, Additional Commissioner and Deputy Municipal Commissioner and respondent no.5 is the Manager of Municipal Printing Press, who are responsible for the day-to-day affairs of the Corporation. The petitioner alleged in the complaint that the respondents without issuing notice of change altered not just the designation of employees working in the Printing Press, but also denied the promotional avenues on account of re-

designation. There were three Sections in the Municipal Printing Press, I.e Pre-Press Section, Printing Section and Binding (Post Press). Under the earlier arrangement the three Sections, had following posts.

PRESS-PRESS SECTION :

- 1 DTP Supervisor,
- 2 Phototype Setting Machine Operator
- 3 Platemaker,
- 4 Pastupman Platemaking

Printing Section :

- 1 Printing Supervisor
- 2 Two Colour Offset Machine Operator
- 3 Risograph Operator
- 4 One colour Offset Machine Operator
- 5 Assistant Pressman
- 6 Sr. Pressman (AM)
- 7 Jr. Pressman
- 8 Two Colour Offset Machine Baller
- 9 One Colour Offset Machine Baller
- 10 Machine Baller.

Binding (Post Press) Section :

- 1 Head Binder
- 2 Gullotinman
- 3 Sr. Binder Mina Binda
- 4 Sr. Binder Wire Stitching
- 5 Sr. Binder
- 6 Jr. Binder
- 7 Binding Machine Baller
- 8 Pasting Poy

2 In the new set up, four posts in the Pre-Press Section are combined into three posts, the ten posts in Printing Section have been

combined to three posts and the eight posts in Binding (Post Press) Section have been combined into three posts. The new set is as under:

PRESS-PRESS SECTION :

1	DTP Supervisor,	} DTP Supervisor
2	Phototype Setting Machine Operator	} DTP Operator
3	Platemaker,	} Pastupman-
4	Pastupman Platemaking	} Platemaker.

Printing Section :

1	Printing Supervisor	} Printing Supervisor
2	Two Colour Offset Machine Operator	}
3	Risograph Operator	} Operator
4	One colour Offset Machine Operator	} Printing.
5	Assistant Pressman	}
6	Sr. Pressman (AM)	}
7	Jr. Pressman	}
8	Two Colour Offset Machine Baller	} Printing Machine
9	One Colour Offset Machine Baller	} Baller.
10	Machine Baller.	}

Binding (Post Press) Section :

1	Head Binder	} Head Binder
2	Gullotinman	}
3	Sr. Binder Mina Binda	}
4	Sr. Binder Wire Stitching	} Binder
5	Sr. Binder	}
6	Jr. Binder	}
7	Binding Machine Baller	}
8	Pasting Poy	} Asstt. Binder

The respondent has ensured that even after combining, there is no monetary loss to any of the employees. If at all, some of the employees, who were at a lower scale have been brought up to the scale of highest post in the re-designed category. Thus there is no monetary loss at all.

3 Ms. Karnik submits in the new set up, the employees are forced to work on the machines without necessary training to them. She argues that earlier some of the employees were not working on a machine at all and they have now been forced to work on machines. The petitioners allege that this change has been effected since October, 2014, whereas the respondents contend that the change took place as far back as the year 2009. The petitioner does not describe the functioning of the machines on which it's member are forced to work and the area, in which the training is required to operate a new machines. Unless the operations are so described, the complaint that machines cannot be operated without training cannot be accepted. It would then be a matter of evidence. The Industrial Court has rejected the application for interim reliefs for precisely the same reason. Therefore, no interference with the impugned order is required. Hence, the petition is dismissed.

(Smt. R.P SondurBaldota, J.)