

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.180 OF 2015  
IN  
WRIT PETITION NO.1316 OF 2014

M/s. Hindustan Unilever Ltd. .. Applicants

IN THE MATTER BETWEEN

M/s. Hindustan Unilever Ltd. .. Petitioners

Versus

Hindustan Lever Research Center

Employees Union and others .. Respondents

Dr. Virendra Tulzapurkar, Senior Advocate a/w Mr. Sudhir Talsania,  
Senior Advocate a/w Mr. R. N. Shah a/w Mr. Sanjay Udeshi a/w Mr.  
Akshay Udeshi, for the Applicants.

Mr. Sanjay Singhvi, Senior Advocate a/w Mr. Bennet D'costa, for the  
Respondent No.1.

Ms. Jane Cox i/by Mr. M. A. Amonkar, for the Respondent No.2.

CORAM : R.M. SAVANT, J.  
DATE : 20<sup>th</sup> AUGUST, 2015

PC.

1. The above Writ Petition was admitted on 19.09.2014 and the Rule on interim reliefs was made returnable. This Court thereafter heard the above Writ Petition for interim reliefs and has granted interim reliefs to the extent mentioned in the order dated 14.10.2014 passed in the above Petition. The Petitioner/Hindustan Unilever Ltd. (HUL) was directed to make the payments which have been mentioned in paragraph 16 and

clauses (1) to (3) thereof to the concerned 300 workmen as and by way of an interim arrangement pending disposal of the above Writ Petition. Against the said order dated 14.10.2014, the HUL carried the matter by way of SLP to the Apex Court. The Apex Court has by order dated 26.11.2014 dismissed the SLP by passing the following order :-

“No merit. The special leave petition is dismissed. We however reserve liberty to the parties to make a request to the High Court for expeditious hearing and disposal of the writ petition.”

2. The instant Notice of Motion has been filed by the HUL for the following reliefs :-

- a. That this Hon'ble high Court be pleased to fix the date of final hearing as soon as convenient to this Hon'ble Court.
- b. That pending the hearing and final disposal of the Writ Petition, Petitioner be allowed to deposit the amount payable to ex-employees as arrears and Pension in accordance with the order dated 14<sup>th</sup> October 2014 and liberty be given to the petitioner to deposit prospective dues on account of pension with the court as and when the same becomes payable during the pendency of the writ petition.
- c. That pending the hearing and final disposal of the Writ Petition, the Pension granted by the learned Industrial Tribunal in impugned Award dated 07.02.2014 in respect to the existing employees when they leave service for any cause be deposited by the Petitioner in this Hon'ble Court.”

3. In so far as the relief vide prayer clause (a) is concerned, the Petitioner HUL can make an application to the appropriate Court as the above Notice of Motion has been specially assigned to this Court in view of

the order dated 14.10.2014 passed by this Court as otherwise the assignment relating to matters arising out of the orders passed by the Labour and Industrial Courts is with another Court.

4. In so far as the reliefs sought vide prayer clauses (b) and (c) are concerned, a similar request or prayer was made at the hearing of the above Petition and the companion Petitions for interim reliefs. This Court had not acceded to the request made on behalf of the HUL for depositing the amounts in this Court. In so far as pension is concerned, the relevant observation of this Court can be found in paragraph 14 of the said order dated 14.10.2014, which for the sake of ready reference is reproduced hereinunder. (excerpt)

“In my view, therefore, in so far as the revision of pension is concerned, since it is applicable to the retirees, and since an enhancement is granted for the first time no case for grant of any interim relief is made out.”

5. In so far as the arrears are concerned, this Court had prima-facie accepted the finding recorded by the Industrial Tribunal that the said 300 employees would on the application of the principle of region-cum-industry would be entitled to the allowances etc. on par with comparable concerns in the region i.e. L & T, Siemens, Mahindra and Mahindra and BASF. However, in respect of the allowances and arrears, the relief was modulated in terms of the directions which are contained in clauses (1)

and (3) of paragraph 16 of the order dated 14.10.2014. This Court had also in a way protected the interest of the HUL by taking into consideration the average of the various allowances which was mentioned in the chart at Exh.U-68 and thereafter directing payment of 50% of the arrears. This Court has further observed in clause (4) of the operative part that the HUL if it succeeds can make recovery of the amount paid by it by recovering/adjusting the same against the amounts due to the said workmen. By the above Notice of Motion what is virtually sought is a review of the order dated 14.10.2014, which order as indicated above has been confirmed by the Apex Court as the SLP filed by the HUL has been dismissed.

6. An affidavit in reply has been filed on behalf of the Respondent/Hindustan Lever Research Center Employees Union (HLRCEU), wherein various contentions are raised whilst opposing the grant of any reliefs in the Notice of Motion. One of the contentions raised is that the HUL has as yet not complied with the said order dated 14.10.2014. In my view, it is not necessary to go into the said contentions as this Court is of the view that there are no change in circumstances so as to enable the HUL to file the instant Notice of Motion for the reliefs sought. The Notice of Motion is accordingly rejected.

**[R.M. SAVANT, J]**