

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.51 OF 2014

Khandesh Kamgar Utkarsha Sanghatana
office – Kashi Baglow, Kolhe Nagar,
Jalgaon, Ta. And Dist. Jalgaon
Through its General Secretary = **PETITIONER**

VERSUS

- 1) M/s Raymond Limited,
E-1, MIDC Area, Jalgaon,
Through its Deputy General
Manager.
- 2) Kamgar Utkarsha Sabha
C/o M/s Raymond Limited,
E-1, MIDC, Area, Jalgaon = **RESPONDENTS**
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Mr.Parag Vijay Barde, Advocate for Petitioner;
Mr.SR Patil, Advocate for Respondent No.1.
None for Respondent No.2 though served.

CORAM : P.R.BORA, J.

DATE : 15th June, 2016.

ORAL JUDGMENT:

1) Heard. Rule. Rule made returnable
forthwith and heard finally with consent of the
learned Counsel appearing for the parties.

2) The respondent herein had filed a

Complaint before the Industrial Court, Jalgaon
seeking the following reliefs, -

- "a) Declare that the respondent No.2 and the Workmen have engaged in the unfair labour practices complained of.
- b) Declare that respondent No.2 has no locus-standi to represent the workmen of the factory, and that the same is not a Union Connected with the factory / industry of the complainant.
- c) Direct the respondent No.2 not to row its board or name plate or gather of the factory premises.
- d) Direct the respondents, the workmen, representatives, supporters, sympathizers, agents, servants and/or henchmen to cease and desist from such unfair labour practices.
- e) Pass any other appropriate restraining orders against the

respondents and others and,

- f) Grant consequential relief's to the complainant including reasonable compensation from the respondents."

3) The matter was contested and the allegations made in the Complaint were vehemently opposed by the present petitioner. On going through the judgment delivered by the Industrial Court, which has been impugned in the present petition, it is revealed that the Industrial Court has recorded a clear finding that the Complainant, i.e. present Respondent No.1, has failed in proving the unfair labour practices alleged in the said Complaint against Respondent No.2, i.e. present petitioner. In spite of such finding, the Industrial Court has passed the impugned order directing Respondent No.2 to act within its right and not to disburse industrial peace in complainant company in any manner, through its members, supporters, agents,

sympathizers, servants or representatives and not to indulge in any form of unfair labour practice against the complainant company.'

4) The order so passed by the Industrial Court apparently appears unsustainable. When the Industrial Court had recorded the conclusion that the complainant has failed in proving the unfair labour practices as alleged in the Complaint against Respondent No.2, there was no reason for the said Court to pass such type of order. In para 33 of the impugned judgment though some justification seems to have been provided by the Industrial Court in passing such order, the said justification is wholly unacceptable. The order, therefore, deserves to be quashed and set aside and the same is accordingly set aside. Rule is made absolute in above terms with no order as to costs.

sd/-
(P.R.BORA,J.)

bdv/