

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2459 OF 2014

Choughule Indust4ries Kamgar Sanghatana .. Petitioner
-Versus-
State of Maharashtra through its Secretary
Industries, Energy and Labour Deptt. & Ors. ..Respondents

Mr. Rahul Nerlekar with T.R.Yadav for petitioner
Mr.V.N.Sagare, AGP for State
Mr. Rupesh Lanjekar for respondent No.4

CORAM : ANOOP V. MOHTA &
A.A.SAYED, JJ

DATE : 13th April 2016.

P.C.

1] We are inclined to dispose of the present petition as the learned Assistant Labour Commissioner, inspite of reference and reliance on the judgement of this Court in Bharat Forge Ltd. Vs. Maharashtra General Kamgar Union, reported in 2010 (II)CLR 619 and which goes to the root of the submissions so raised by the petitioner, which is a trade union under the Trade Union Act, by the impugned order has refused to refer the dispute for adjudication under section 10(1) of the Industrial Disputes Act.

2] Inasmuch as, the Asstt. Labour Commissioner, has failed to take

note of the aforesaid judgement and the ratio laid down by this Court, which supports the case of the petitioner and since the same was not considered in the order passed, to avoid further delay and in the interest of justice, by keeping all points open of either side, we are inclined to quash and set aside the communication dated 30th March 2012 and direct the Assistant Labour Commissioner to consider the matter afresh, after considering the judgement referred above and by giving opportunity to all the parties concerned, as early as possible and preferably within three months from today. It is clarified that we have not expressed any opinion on merits of the case and all contentions are kept open. Petition is accordingly disposed of with liberty.

(A.A.SAYED, J)

(ANOOP V. MOHTA, J)