

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9610 OF 2016

The President,
Maharashtra Seva Sangh, Pune : Petitioner.
versus
Bhimashankar Ramchandra Khatavkar
and anr. : Respondents.

Mrs. Pavitra Manesh i/by Mr. Meelan Topkar for the Petitioner.
Mr. Pankaj M Patel for the Respondents.

CORAM : R. M. SAVANT, J.
DATE : 19th September 2016

P.C.

1 The Petitioner takes exception to the orders passed by the Industrial Court dated 22/03/2011 and 22/03/2012 granting interim relief in favour of the Respondents and the order dated 26/02/2013 rejecting the review application filed by the Petitioner.

2 The Respondents have filed Complaint (ULP) No.68 of 2011 in the Industrial Court, Pune challenging their transfers as per letter dated 30/08/2010 and 08/04/2011 from Pune to Karkamb, Pandharpur.

3 The Industrial Court by its orders dated 22/03/2011 and 22/03/2012 found that there was prima facie case in favour of the Respondents and by interim orders stayed the orders of transfer of the Respondents. The Industrial Court found that, prima facie, it was a case of victimization of the Respondents

and even though they were transferred to Karkamb, Pandharpur, they were orally directed to work at some other places. The review application filed by the Petitioner was rejected on 26/02/2013.

4 The petition is filed in January 2014. The orders staying the transfers are in operation since March 2011 and March 2012. The learned counsel for the Petitioner sought to raise various contentions as regards the merits of the dispute as well as territorial jurisdiction of the Court, in my view since the stay to the orders of transfers are in operation since the year 2011 and 2012, the issues raised by the Petitioner can be decided finally in the complaint, rather than vacating the interim protection which is operating in favour of the Respondents for almost 4 to 5 years. As regards the application for review, no doubt, it is permissible under Section 30 (2) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, but the grounds on which review was sought were such that no case for review was made out. The entire attempt was to re-argue the matter in respect of the application for interim relief.

5 In my view, therefore, it will be in the interest of justice, not to interdict with the interim orders at this stage but direct the Industrial Court to decide the complaint at an early date, which it being a case of transfer, should be decided early.

6 The above Writ Petition is accordingly disposed of by directing the Industrial Court, Pune to decide the complaint filed by the Respondents within a period of six months from date. Both the parties to co-operate with the Industrial Court for early disposal of the complaint.

[R.M.SAVANT, J]