

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE**

**WRIT PETITION NO.7736 OF 2016
AND
WRIT PETITION NO.7738 OF 2016**

M/s Pravi Auto Swing Pvt. Ltd	...	Petitioner
Versus		
Pravi Auto Kamgar Sanghatana	...	Respondent

.....

Melanie D'Souza a/w Mr. Jayesh K. Desai i/b M/s Desai & Desai Associates
for the Petitioner.
Mr. Vaibhav Gaikwad for the Respondent.

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CORAM : S.C.GUPTE, J.

DATE : 11 JULY 2016.

P.C. :

. Heard learned Counsel for the parties.

2 This Petition challenges an order passed by the Industrial Court at Satara on an application filed by the Complainant (i.e. the Respondent-Union) to implead individual workmen as parties to the pending complaint before the Industrial Court. The grievance of the Petitioner is that many of the individual workmen, who have already received closure compensation, may not be interested in prosecuting the complaint. Learned Counsel submits that the Respondent-Union, after heaving ceased to be a registered Union, has no locus to apply for such relief. The grievance of the Petitioner can be taken care of, if individual workmen who are sought to be joined are directed to sign the declaration of the complaint individually. Learned

Counsel for the Respondent-Union has no objection if such course is adopted.

3 The Petitions are accordingly, disposed of by directing the Registrar of the Industrial Court at Satara to seek a declaration by each individual workman, who is sought to be joined as a complainant in Complaint (ULP) No.105 of 2004 and Complaint (ULP) No.81 of 2004. Only those individual workmen, who make such declaration, shall be joined as complainants in the pending complaints.

4 All findings recorded by the Industrial Court at Satara in its impugned order dated 25 April 2016 shall be treated merely as *prima facie* findings and shall not influence the determination of pending complaints on merits.

(S.C.GUPTE, J.)