

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3032/2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Ms. Jyoti Sahu i/b. Dinesh C. Patankar for the petitioner

Mr. A. S. Peerzade for the Respondent No.2.

CORAM : K. K. TATED, J.

DATE : MARCH 1, 2017

P.C.:

1. Heard. By this petition under Article 226 of the Constitution of India the Petitioner challenges the order dated 01.09.2015 passed by the Industrial Court below Exh. U-10 in complaint (ULP) No.71/2014 permitting the respondent complainant to amend the complaint by adding the petitioners as the respondents.

2. In the present proceedings, the respondent filed complaint under Unfair Labour Practice under section 28 read with Item (1)(a)(b), 4(a)(f) and 6 of schedule II and Items 9 and 10 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971.

3. Initially, the complaint was filed against one M/s. M. K. Jewellery Pvt. Ltd. and Mr. Vinod Rawal, Manager of the Company. During pendency of the said complaint, the respondent made an application below Exhibit U-10 for carrying out amendment for adding the petitioner's as Directors of the company as party respondents. That application was allowed by the Industrial Court. Hence, the petitioner filed the present Writ Petition.

4. The learned counsel for the petitioner submits that unless and until the relationship of employer and employee is established between M/s. M. K. Jewellery Pvt. Ltd. and the respondent, there is no question of permitting the respondent to join the petitioners as party in the complaint. Therefore, the impugned order passed by the Industrial Court is required to be set aside.

5. On the other hand, the learned counsel for the respondent vehemently opposed the Writ Petition. He submits that the amendment has already been carried out by joining the petitioner as respondent in complaint (ULC) No.71/2014. Not only that the added respondent i.e. petitioner filed their written statement dated 22.03.2016. He

submits that in view of the subsequent development, nothing survives in the Writ Petition. Hence, same is required to be dismissed with costs.

6. Heard both sides. It is to be noted that in the present proceedings, in the entire petition, nowhere the petitioners claimed that they are not Directors nor connected with the management of M/s. M. K. Jewellers Pvt. Ltd. Apart from that the petitioner has already filed their written statement in the complaint and same is pending for hearing and final disposal on its own merits.

7. Considering the subsequent developments, I do not find any substance in the Writ Petition. Hence, same stands rejected.

JUDGE