

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6671 OF 2002

(Blue Star Workers Union Vs. Blue Star Limited and others)

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 Meena Doshi for Petitioner.

Mr. Vinod Tayade i/b. Mr. Piyush Shah for Respondent No.1.

CORAM : R. G. KETKAR, J.**DATE : 22ND JUNE, 2017****P.C.:**

Heard Ms Doshi, learned Counsel for petitioner and Mr. Tayade, learned Counsel for respondent No.1.

2. By this Petition under Article 226 of the Constitution of India, petitioner has challenged the judgment and order dated 28.06.2002 passed by the learned Member, Industrial Court, Thane in Complaint (ULP) No.387 of 2001. By that order, the Industrial Court dismissed the complaint filed by the petitioner against the respondents under Section 28 read with Items 3 and 9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short 'Act').

3. Ms Doshi has invited my attention to the affidavit in

rejoinder dated 05.02.2016 filed by Ashok Pandurang Gore, and in particular paragraph 6 thereof. In paragraph 6, it is stated that Mr. Gore has retired from the services of the respondent-company, and therefore, the Petition be disposed of as not pressed. It is further stated that the issue with regard to the right of the respondent company to transfer an employee contrary to clause No.12 of the Rules and Regulations may be kept open. It is also stated that the Thane Plant is closed with effect from 10.08.2015. Mr. Tayade has no objection for keeping the issue with regard to the right of the respondent company to transfer an employee contrary to clause No.12 of the Rules and Regulations being kept open.

4. In view thereof, Petition is disposed of as not pressed. Issue with regard to the right of the respondent company to transfer an employee contrary to clause No.12 of the Rules and Regulations is kept open. Rule is discharged with no order as to costs.

(R. G. KETKAR, J.)

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