

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4753 OF 2017

Wilo Mather And Platt Pumps Private Limited] Petitioner

Vs.

Subhash Murari Patil] Respondent

WITH

WRIT PETITION NO. 4779 OF 2017

WITH

WRIT PETITION NO. 4780 OF 2017

WITH

WRIT PETITION NO. 4782 OF 2017

WITH

WRIT PETITION NO. 4783 OF 2017

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Mr. K.M. Naik, Sr. Advocate a/w Mr. Varun Joshi, Mr. Sujit Salkar, Ms. Shruti Padsaligkar, Ms. Janaki Kadam, Mr. Hanmant Telikar i/b Mr. Chetan Alai, for petitioner in all Writ Petitions.

Mr. Sandeep S. Koregave, for respondents.

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CORAM : R.G. KETKAR, J.

DATE : 4th AUGUST, 2017.

P.C.

Heard Mr. Naik, learned Senior Counsel for the petitioner and Mr. Koregave, learned Counsel for the respondents in all the Petitions at length.

2. By these Petitions under Articles 226 and 227 of the Constitution of India, the petitioner hereinafter referred to as 'Employer' has challenged the judgment and order dated 16th February, 2017 passed by the learned Member, Industrial Court No.1, Kolhapur [for short 'Tribunal'] below Exhibit-U-2 in Complaints filed by the respondents, hereinafter referred to as 'Complainant'. By these orders, the Tribunal allowed the application-Exhibit-U-2 made by the complainants and directed the Employer not to give effect to the order of transfer dated 30th January, 2017, pending hearing and final disposal of the main complaint.

3. Matter was heard at length on 3rd August, 2017 and was kept today so as to enable Mr. Koregave to take instructions as to whether complainants are ready for setting aside the impugned order by consent with direction to the Tribunal to decide the complaint itself in a time bound manner. Mr. Koregave submits that Mr. Nivrutti Patil and Mr. Shivaji More complainants in two complaints are present in the Court. Mr. Koregave tendered photo copy of Identity Card issued by Employer of Mr. Nivrutti Patil and photo copy of Aadhar card of Mr. More. The same are taken on record and marked 'X' colly for identification. Upon taking instructions from them, Mr. Koregave submitted that impugned order may be set aside with direction to the Tribunal to decide the main complaint within three months from the date of appearance of the parties. He assures that complainants will extend co-operation for disposal of the complaints in a time bound manner.

4. Mr. Naik submits that Employer wishes to examine three witnesses and the Employer will render full co-operation to dispose of the complaints in a time bound manner.

5. Mr. Koregave seeks permission to amend the complaints and assures that within two weeks from today, he will amend the complaints and will serve amended complaints on the employer. The employer shall file reply to the amended complaints within two weeks from the receipt of amended complaint.

6. In view thereof, by consent of the parties, Petitions are disposed of in following terms:

- [1] Impugned orders dated 16th February, 2017 passed by the Tribunal below Exhibit-U-2 are set aside.
- [2] Applications Exhibit-U-2 are dismissed.
- [3] The Tribunal is requested to dispose of the complaints within six months from the date of appearance of the parties.
- [4] Learned Counsel for the parties assure that the parties will extend full co-operation for early disposal of the complaints and will not seek undue adjournment .
- [5] The parties agree that they will appear before the Tribunal on 9th August, 2017.
- [6] The Tribunal will dispose of the complaints within six months from the date of appearance of the parties.
- [7] All the contentions of the parties on merits are expressly kept open.

[8] Rule is made absolute with no order as to costs.

[9] Interim orders stand vacated.

[R.G. KETKAR, J.]