

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO. 389 OF 2016

Kolhapur Shetki Utpanna Bazar Samiti, Kolhpur & Anr. V/s. Shri. Sanjay Babugonda Patil & Ors.	... Petitioner ... Respondents
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Mr. Chetan Patil for the Petitioner.
None for the Respondents.

**CORAM : K. K. TATED, J.
DATED : 07/03/2017**

PC.:

. Heard learned Counsel for the petitioners. Though the respondents are duly served, no one appeared on behalf of them, when the matter called out.

2 By this petition under Articles 226 & 227 of Constitution of India, the Petitioners are challenging the order dated 21.03.2013 passed by the Member, Industrial Court, Maharashtra at Kolhapur in Revision Application (ULP) No. 2 of 2013 and order dated 13.12.2012 passed by learned Labour Court, Kolhapur directing petitioners to produce on record approval of Directors and public advertisement for appointment of additional workers.

3 In the present proceeding, the Petitioners terminated Respondents services. Hence, respondents filed complaint in the Labour Court in the year 2006 challenging the termination order which is

pending. In that complaint, the respondents have claimed reinstatement with continuity of services and back wages. In the said complaint, the respondents filed application calling upon the petitioners to produce certain documents including approval of Directors and public advertisement for employment of certain persons with the petitioners. That application was allowed by the Trial Court. Trial Court by considering the observation made by the High Court in Writ Petition No. 2204 of 2006 directed petitioners to place on record certain documents as stated hereinabove.

4 Being aggrieved by the said order, the petitioner preferred Revision Application (ULP) No. 2 of 2013 before the Industrial Court at Kolhapur under Section 44 of M.R.T.U. & P.U.L.P. Act, 1971 challenging the order dated 13.12.2012 below Exh. U-7 passed in Criminal Complaint (ULP) No. 14 of 2012. The Industrial Court after considering evidence on record and hearing both the sides, dismissed the Revision Application. Hence, the petitioners preferred present Writ Petition.

5 The learned Counsel for the Petitioners submits that the impugned order passed by the Labour Court as well as Industrial Court is against justice, equity and good conscience and same is required to be set aside. He submits that though initially petitioners appointed 41 workers, subsequently they terminated. Hence, there is no question of production of those documents which were directed by the labour Court by order dated 13.12.2012.

6 The learned Counsel for the Petitioners submits that the

Respondents filed application below Exh. U-7 on 04.12.2012. On that application, the Labour Court passed order, other side to say. He submits that before filing of their say, the Labour Court passed impugned order dated 13.12.2012 directing petitioners to produce on record certain documents. Hence, the said order is required to be set aside, which was passed without allowing the Petitioners to file their reply. He further submits that even the Industrial Court, Kolhapur dismissed their Revision Application only on the ground that same is not maintainable against the impugned order. On the basis of these submission, the learned Counsel for the Petitioners submits that this Court be pleased to allow the Writ Petition by setting aside the impugned order dated 13.12.2012 passed by the Labour Court below Exh. U-7 and Judgment dated 21.03.2013 passed by the Industrial Court, Kolhapur in Revision Application (ULP) No. 2 of 2013.

7 I heard the learned Counsel for the Petitioners at length. It is not necessary to wait for respondents to appear before this Court. Admittedly, the respondents filed Criminal Complaint (ULP) No. 14 of 2012 before the Labour Court, Kolhapur under Section 48(1) of M.R.T.U. & P.U.L.P. Act on 28.11.2012. Though, the impugned order was passed by the Labour Court on 13.12.2012 and Industrial Court in Revision on 21.03.2013, the same is pending for service on Respondents.

8 In the present proceeding, the Industrial Court considering the observations made by the High Court in Writ Petition No. 2204 of 2006 called upon the petitioners to produce certain documents which are in their custody. This being interlocutory order and as those documents

are in the custody of the petitioners, I do not find any substance in the present Writ Petition to entertain the same challenging the order passed by the Labour Court directing petitioners to produce those documents.

9 It is made clear that if documents are not produced within four weeks from today, the Labour Court to proceed with the Criminal Complaint (ULP) No. 14 of 2012 on its own merits.

10 Writ Petition stands rejected.

(K.K.TATED, J.)