

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 7993 OF 2017

Shri. Bhogawati Sahakari Sakhar
Karkhana

...Petitioner

Versus

Shri. Ananda Ishwara Kumbhar
And Ors.

...Respondents

....

Mr.Kiran Bapat i/b. Prashant Bhavake, Advocate for the
Petitioner.

Mr.A.V. Bukhari, Senior Advocate a/w. Fauzia Bukhari i/b.
Burhan & Bukhari, for respondents No.47 and 187.

....

CORAM : R. G. KETKAR, J.

DATE : 27th JULY, 2017

P.C.

1. Heard Mr.Kiran Bapat, learned counsel for the
petitioner and Mr.A.V. Bukhari, learned Senior Counsel for
respondents No.47 and 187, at length.

2. By this Petition under Articles 226 and 227 of the
Constitution of India, the petitioner has challenged the orders
dated 11.12.2015 as also 4.3.2016 passed by the learned
Member, Industrial Court No.1, Kolhapur (for short, 'Tribunal')
below Exhibit U-2 in Complaint (U.L.P.) No.178/2015.

3. By order dated 11.12.2015, the Tribunal directed the petitioner herein not to terminate the services of the respondents, hereinafter referred to as the complainants, temporarily by violating the agreement with representative and approved union dated 16.2.2015 till next date. By order dated 4.3.2016, the Tribunal has extended the interim order dated 11.12.2015 until further orders.

4. It is common ground between the parties that the next date of hearing before the Tribunal is 8.8.2017. Having regard to the fact that the interim order is operating until further orders, in my opinion ends of justice will be served by directing the Tribunal to decide application Exhibit U-2 within four weeks from 8.8.2017. The Tribunal shall decide the application Exhibit U-2 within four weeks from 8.8.2017.

5. Mr. Bapat states that Mr. Ananda Dhondiram Chougale, one of the Directors of the petitioner - sugar factory is present in the Court. He has tendered a photo-copy of his Aadhaar card, which is taken on record and marked as 'X' for identification. Upon taking instructions from him, Mr. Bapat states that as this Court has directed the Tribunal to decide the application

Exhibit U-2 within a period of four weeks from 8.8.2017, he is not pressing this Petition and seeks permission to withdraw the Petition. On the motion made by Mr.Bapat, Petition is allowed to be withdrawn and is disposed of with aforesaid direction. All contentions of the parties on merits are kept open. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)