

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO. 9824 OF 2017

Kantrati Kamgar Sanghatana

.....Petitioner

V/s.

Regional Mental Hospital through
the Superintendent and Ors

....Respondents

Ms. Gayatri Singh senior counsel i/b Mr. Kranti L. C. and Meenaz Kakalia
Advocate for Petitioner.

Mr. Sanjay P. Shinde for Respondent no. 4.

Mr. Husnain Kazi Sayyed a/w Mr. Raeed Kazi for Respondent no. 5.

Mr. O. M. Kulkarni AGP for the State.

**CORAM : NARESH H. PATIL &
Z. A. HAQ, JJ.**

DATE : 14th SEPTEMBER 2017.

P.C.

1 We have heard the learned senior counsel for the petitioner and the counsel for the respondent. Perused affidavit-in-reply filed by Hemant Raghunath Ranavre Director of respondent no. 4. The learned senior counsel for the petitioner submitted that Conciliation Officer ought to have passed necessary orders protecting the interest of the members of the petitioner by exercising jurisdiction under Section 33 of the Industrial Disputes Act, 1947.

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It is submitted that petitioner members who were working with the Principal Employer came to be terminated during the pendency of the conciliation proceedings. Therefore, an application under section 33 (A) of the Industrial Disputes Act, 1947 has been made before the Conciliation Officer.

2 The learned AGP submits that Conciliation Officer had passed appropriate orders by taking into consideration issues including the issue relating to the interim protection sought by the petitioner herein.

3 The learned senior counsel for the petitioner submits that while referring the matter, Conciliator has raised the issue as to whether the employees need to be protected by an interim order. On instructions, the senior counsel submits that petitioner may be permitted to resort to appropriate remedy as permissible in law including proceedings to be initiated before Industrial Tribunal for seeking interim relief.

4 The learned AGP disputes the statement that petitioner members are employees of the Principal Employer. The learned counsel appearing for

respondent too disputes the submissions advanced by the learned senior counsel for the petitioner.

5 The learned counsel for respondent no. 5 submits that he is duly appointed contractor of respondent no. 1.

5 Without expressing any opinion on merits we observe and direct that in case, petitioner resorts to appropriate proceedings in respect of seeking interim relief, then the said application be disposed of as expeditiously as possible, preferably within 2 months from the date of filing of the application. All issues on merit are kept open. It is clarified that we have not expressed any conclusive opinion on controversy raised in the petition.

6 With these directions, petition stands disposed of.

[Z. A. HAQ, J.]

[NARESH H. PATIL, J.]