

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION (ST) NO. 31557 OF 2017**

Siddharth Sonawane and others

... Petitioners

Versus

Bhiwandi Nizampura Municipal
Corporation and another

... Respondents

WITH**WRIT PETITION (ST) NO. 31613 OF 2017**

Ranjit Gurunath Chhatre and others

... Petitioners

Versus

State of Maharashtra and others

... Respondents

WITH**WRIT PETITION (ST) NO. 31459 OF 2017**

Vishwas Ananta Mhatre and others

... Petitioners

Versus

Bhiwandi Nizampura City Municipal
Corporation and another

... Respondents

Mr. Yogendra Pendse for the Petitioner in WP(St) No.31557/17.

Mr. R.S. Pai alongwith Mr. Anand Pai alongwith Mr. T.R. Yadav for the Petitioner in
WP (St) No.31613/17.Mr. Laxmikant Satelkar instructed by Mr. R.D. Suryawanshi for the Petitioner in WP
(St) No.31459/17.Mr. N.R. Bubna for the Respondent in WP(St) No.31557/17 and WP(St) No.31459 of
2017 and Respondent Nos.2 and 3 in WP(St) No.31613/17.

Mr. J.A. Madane, AGP for the Respondent No.1 in WP(St) No.31613/17.

CORAM : S.J. KATHAWALLA, J.**DATED : 15th NOVEMBER, 2017**

P.C.:

1. Complaint (ULP) Nos.253, 327, 328 and 359 of 2013 were dismissed by Shri. S.G. Dabadgaonkar, Learned Member of the Industrial Court, Thane by his order dated 22nd September, 2017. The issue involved in all the four complaints was identical. The complainants therein therefore filed Writ Petition Nos. 11788, 11789, 11790 and 11806 of 2017 impugning the said orders passed by Shri. S.G. Dabadgaonkar. By orders dated 1st November, 2017 all the four Writ Petitions were dismissed by this Court. It appears that certain other complaints involving the same issue were thereafter heard by Shri. D.M. Patil, Learned Member of the Industrial Court, Thane and he too has dismissed the said complaints by his orders dated 7th October, 2017. The above Writ Petitions were filed by the complainants therein impugning the said orders dated 7th October, 2017 passed by Shri. D.M. Patil. When this Court pointed out to the Learned Advocate appearing for the Petitioners (Original Complainants) that the orders passed by Shri. S.G. Dabadgaonkar, qua the same issue were impugned before this Court and the said Writ Petitions have been dismissed by this Court by orders dated 1st November, 2017, the Learned Advocate appearing for the Petitioners states that they would like to point out that the Learned Member Shri. S.G. Dabadgaonkar had not considered certain relevant points in his orders. In view thereof, the following order is passed :-

(a) The Orders dated 7th October, 2017 passed by the Learned Member of the Industrial Court Shri. D.M. Patil in Complaint (ULP) Nos.25, 31 and 40 of 2017

are set aside and the President, Industrial Court, Thane shall place the said complaints alongwith similar complaints, if any, involving the same issue before the Learned Member Shri. S.G.Dabadgaokar for hearing.

(b) The Learned Member shall dispose off the complaints within a period of six weeks from the date of this order.

(c) All contentions of the parties are kept open.

(d) Parties and/or their Advocates shall appear before the President, Industrial Court, Thane on 30th November, 2017 at 3.00 p.m. and obtain necessary directions.

2. The above Writ Petitions are accordingly disposed off.

(S.J.KATHAWALLA, J.)