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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13554 OF 2017

Whirlpool of India Workers Union

... Petitioner

vs.

Bhartiya Kamgar Sena & Ors.

... Respondents

Mr. V. P. Vaidya i/b. M. M. Agavekar for the Petitioner.

Mr. Mayuresh Nagle for Respondent no. 1.

Mr. Kiran Bapat for Respondent no.2.

CORAM : A.K. MENON, J.

DATE : 12th DECEMBER, 2017

P. C.

1. By this petition, the petitioner has challenged two orders dated 19th September, 2017 and 1st November, 2017 passed by the Industrial Court, Pune in Application (MRTU) No.1 of 2016. The first of the impugned orders directed the investigating officer to verify the record of the applicant Union with respect to compliance with Section 11 to 14 of the Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act, 1971 ("MRTU & PULP Act, 1971"). The said order was sought to be reviewed at the instance of the petitioner and vide the second impugned order dated 1st November, 2017 the application for review also came to be rejected.

2. The case of the petitioner is that impugned order ought not to have been passed without considering the objections of the petitioners.. It is the petitioners

grievance today that points in dispute has not been ascertained despite the petitioners written statement which has been filed on or about 12th April, 2016 being on record.

3. I find that this grievance was not even raised at the time of arguing the review application. Besides, at this stage, the order calling for the report is only at the preliminary stage. It is always open for the petitioner to urge all contentions raised in the written statement by the respondent. No case for interference in Writ Jurisdiction is made out in this petition. Needless to mention the Application No. (MRTU) No. 1 of 2016 shall be decided in accordance with law without being influenced by this order. The petition is accordingly disposed with the above observation.

(A.K. MENON, J.)