

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 14388 OF 2016

Dr. Batra's Positive Health Clinic Pvt.Ltd. ... Petitioner

Versus

Saheb Kamgar Sena ... Respondent

Mr. K.M. Naik, Sr. Adv. a/w. Mr. R.V. Paranjape for the Petitioner.
Mr. T.G. Vartak for the Respondent.

CORAM : S.J. KATHAWALLA, J.
DATED : 4TH DECEMBER, 2017

P.C.:

Heard the learned Advocates appearing for the parties and the following
Order is passed by consent :

i. The Industrial Court at Mumbai shall decide the following preliminary
issues raised by the Petitioner abovenamed, who are Respondents in Complaint (ULP)
No. 192 of 2016 filed by Saheb Kamgar Sena (Respondent above named) :

a. Whether the Complaint is not maintainable on the ground that the
constitution of the abovenamed Respondent Union does not allow enrolling
employees of the Petitioner abovenamed as its members ?

b. Whether the Complaint is not maintainable on the ground that the above
named Respondent Union is not registered in compliance of the Trade Unions Act,
1926 especially Section 6(e) read with Section 22 as well as Section 9A of the Act ?

- ii. If the Industrial Court comes to the conclusion that the Complaint is maintainable, the Industrial Court shall forthwith proceed to hear the Interim Application and the Petitioner abovenamed shall not insist that they require time to test the decision of the Industrial Court qua the maintainability in revision.
- iii. The Petitioner abovenamed shall be at liberty to impugn the decision of the Industrial Court qua the maintainability of the complaint after the final order on the Interim Application is passed by the Industrial Court and if the abovenamed Petitioner decides to impugn the Interim Order.
- iv. The Industrial Court shall decide the preliminary issues as well as the Interim Application within a period of 12 weeks from the date of this order.
- v. Parties and / or their Advocates shall appear before the Industrial Court on 4th January, 2018 at 11.00 a.m. and obtain necessary directions.
- vi. The above Writ Petition is accordingly disposed off.

(S.J.KATHAWALLA, J.)