

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION**

WRIT PETITION NO. 13225 OF 2017

Murlidhar Tatya Patil

... Petitioner

Versus

Bhiwandi Nizampura Municipal
Corporation and another

... Respondents

WITH

WRIT PETITION (ST) NO. 33264 OF 2017

Sanjay Jagannath Tayade and others

... Petitioners

Versus

Bhiwandi Nizampura City Municipal Corporation and another ... Respondents

WITH

WRIT PETITION (ST) NO. 33270 OF 2017

Bhau Ramchandra Pondekar and others

... Petitioners

Versus

Bhiwandi Nizampura Municipal Corporation and another ... Respondents

Mr. Yogendra Pendse for the Petitioner in all the above Writ Petitions.

Mr. N.R. Bubna for the Respondent Nos.1 and 2 in all the above Writ Petitions.

CORAM : S.J. KATHAWALLA, J.
DATED : 30th NOVEMBER, 2017

P.C.:

1. The Applications for interim relief in 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 application for interim relief in 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 applications for interim relief in 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.134, 45 and 84 of 2017 are set aside and the President, Industrial Court, Mumbai shall place the said complaints alongwith similar complaints, if any, involving the same issue before the Learned Member Shri. S.G. Dabadgaonkar for hearing.

(b) The Learned Member shall dispose off the applications for interim relief

in complaints within a period of six weeks from the date of this order and in the meantime, the ad-interim granted by the Industrial Court, Mumbai to continue.

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

(d) Parties and/or their Advocates shall appear before the President, Industrial Court, Mumbai on 5th December, 2017 at 3.00 p.m. and obtain necessary directions.

(e) All concerned to act on an ordinary copy of this order duly authenticated by the Personal Assistant of this Court.

2. The above Writ Petitions are accordingly disposed off.

(S.J.KATHAWALLA, J.)