

*rrpillai***IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 3180 OF 2016**

Maharashtra State Road Transport Corporation

... Petitioner

vs.

Shri Rajendra Dhondu Sawardekar

... Respondents

Mr. Gopal Krishna Shivram Hegde for the Petitioner.

Mr. Ashok D. Shetty a/w. Mr. Swapnil Kamble for the Respondent

CORAM : A.K. MENON, J.**DATE : 13th DECEMBER, 2017****P. C.**

1. By this Writ Petition the Maharashtra State Road Transport Corporation – the petitioner seeks to challenge an order dated 11th June, 2013 passed by the Industrial Court, Mumbai in Complaint (ULP) No. 297 of 2011. The impugned order was passed on a complaint by the complainant i.e. respondent herein of unfair labour practices under schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (the Act).

2. After hearing the complaint, the impugned order held that the petitioner-corporation had engaged in unfair labour practices under items 5 and 9 of Schedule IV of the Act and were directed to cease and desist such practices. The petitioner was also directed to appoint the complainant on time scale post from 19th January, 1999 and extend attendant service benefits with retrospective effect. Two months was granted to comply with the orders.

2. It is the case of the petitioners the order impugned is a blanket order directing appointment of complainant and that by virtue of the decision of the Supreme Court in the case of the petitioner i.e. ***Maharashtra State Road Transport Corporation vs. Premlal*** (2007) 9 SCC 141 such order could not have been passed unless the respondent-employee complied with the conditions set out in the said judgment.

3. At the hearing of the petition Mr. Hegde learned Counsel for the petitioner submitted that the Corporation only seeks clarification to the effect that the impugned order should not be taken as an unconditional direction to reinstate the petitioner with attendant benefits irrespective of his compliance with the other conditions laid down in Premlal's case (supra).

4. In the circumstances, considering the narrow compass within which the controversy in this petition lies, it is appropriate that the petition is to be disposed of finally with a clarification. The Respondent's counsel has no objection to this course of action. Hence, I pass the following order :

(i) The impugned order will operate only to the extent that the respondent complies with all conditions set out including that of work for the 180 days and subject to complying with the terms of Resolution No. 8856 read with clause 19 of the 1985 settlement.

(ii) There will be no order as to costs.

(iii) The petition is disposed of with the aforesaid directions.

(A.K. MENON, J.)