

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION.**

WRIT PETITION NO. 931OF 2017

Maharashtra General Kamgar Union ..Petitioner

v/s.

M/s. Jerry Verghese International Ltd. & Ors. ..Respondents

Ms. Karuna Yadav i/b. N.M.Ganguli for the Petitioner.

Mr. Sunil Kharwal i/b. Raj Legal for the Respondent No.4.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED : 3rd JULY, 2017.

P.C.

1. Heard. The petitioner herein had filed a complaint on behalf of the employees under Section 28 of the Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practice Act, 1971 (MRTU & PULP Act, 1971), alleging Unfair Labour Practice under Item 1(A)(B) and 2(A) of Schedule 2 of item 9 and 10 and item 9 and 10 of Schedule IV.

2. It appears that the employees on whose behalf the complaint was filed have resigned from the petitioner union and joined the respondent no.4 Union. Since all the employees, on whose behalf the

complaint was filed, are now the members of the respondent no.4 Union, an application was filed to implead respondent no.4 as a party complainant. The learned Judge after considering the submissions advanced by the rival parties allowed the application to implead the respondent no.4 as a complainant and also allowed the consequential amendment.

3. The learned Counsel for the Petitioner submits that the complaint was filed by the Petitioner Union and since the employees have resigned from the Petitioner Union, the complaint itself should be dismissed. The submission has absolutely no merits. The complaint was filed by the Petitioner Union on behalf of the employees. The employees on whose behalf the complaint was filed have now joined the respondent no.4 Union. The respondent no.4 Union has every right to proceed with the matter and espouse the case of the said employees and safeguard their interest. Hence the complaint cannot be dismissed mainly because of resignation of the employees from the petitioner Union. The petition has no merits and is accordingly dismissed.

(ANUJA PRABHUDESSAI, J.)