

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

WRIT PETITION NO.1693 OF 2016

Tata Memorial Hospital Workers Union : Petitioner.
Versus
Union of India and ors. : Respondents.

Mr. S C Naidu i/by Mr. M D Nagle and Mr. V M Parkar for the Petitioner.
Mr.P P Jadhav for the Respondent Nos.1 and 2.
Mr.Angel Carneiro a/w Mr. Vaibhav Shah i/by M/s. Mulla & Mulla & Craigie Blunt & Caroe for the Respondent No.3.

**CORAM : R. M. SAVANT &
SMT. SADHANA S JADHAV, JJ.**
DATE : 13th JULY 2017

P.C.

1 The grievance which is sought to be raised by the Petitioner by way of the above Writ Petition amounts to raising an industrial dispute as it is the case of the Petitioner that the service condition in the matter of providing residential accommodation is sought to be unilaterally changed without following the procedure as envisaged by the Industrial Disputes Act, 1947.

2 This Court therefore having regard to the nature of the dispute was of the view that it would be appropriate if the Petitioner raised an industrial dispute as it is in the said proceedings that the factual aspect whether providing service accommodation is a condition of service for the members of the Petitioner Union can be gone into. Upon this, the learned counsel appearing on behalf of the Petitioner Shri S C Naidu would state that

the Petitioner would raise an industrial dispute before the Regional Commissioner of Labour (Central) within 4 weeks from date. The learned counsel for the Petitioner states that having regard to the fact that the members of the Petitioner Union are in service and are in occupation of service quarters, some interim protection be granted.

3 Hence by recording the statement made by the learned counsel for the Petitioner Union that the Petitioner Union would raise the industrial dispute before the appropriate authority within four weeks from date, we dispose of the above Writ Petition. The interim protection by way of permitting the members of the Petitioner to occupy the premises in question for a period of 10 weeks from date is granted. However, it is made clear that the occupation of the premises by the members of the Petitioner Union would be at their own risk and that the Respondents would not be liable in any manner whatsoever if any untoward incident takes place. All the contentions of the parties are kept open for being urged at the appropriate time.

[SMT. SADHANA S JADHAV, J]

[R.M.SAVANT, J]