

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3474 OF 2017

(Rashtriya Mill Mazdoor Sangh thr. its General Secretary vs. Assistant Registrar, o/o Additional Commissioner of Labour, Nagpur & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
ROHIT B. DEO, JJ.
JULY 17, 2017.**

After hearing Shri S.D. Thakur, learned counsel for the petitioner, Shri A.V. Palshikar, learned AGP for respondent No. 1 and Shri R.B. Puranik, learned counsel for respondent Nos. 2 & 3, on 10.07.2017, we gave time to the petitioner to demonstrate that in May 2017, they were administering the affairs of the petitioner – Sangh. Accordingly, the petitioner has filed affidavit vide Stamp Nos. 14266 of 2017 and 8212 of 2017. The averments therein are not seriously in dispute. It shows that Bank Accounts were being operated by the petitioner.

2. According to the petitioner, lock has been broken open forcibly by Respondent Nos. 2 & 3 and possession has been taken.

3. Shri Puranik, learned counsel submits that after letter dated 30.05.2017 issued by Respondent No. 1, respondent Nos. 2 & 3 (newly elected) went to the office of the petitioner and the General Secretary, Shri Tukaram

Pandurang Dekate, left the office. Thus, respondent Nos. 2 & 3 were not required to break open anything and they have entered and taken over the possession smoothly.

4. From the arguments of Shri Puranik, learned counsel, it appears that the grievance made by Respondent Nos. 2 & 3 is about the status of the Members, managing the affairs of Rashtriya Mill Mazdoor Sangh (R.M.M.S.). Respondent Nos. 2 & 3 claim that these persons, earlier working at Nagpur and office bearers then, are not concerned with the establishment at Butibori, which is the only functioning Textile Mill. Respondent Nos. 2 & 3 submit that the General Secretary, Shri Dekate and others, therefore, cannot be even primary members of the petitioner association.

5. It is apparent that the dispute of such a nature needs to be raised before the Competent forum and can be looked into there. We are informed that dispute of this nature is already pending vide Trade Union Dispute No. 3 of 2014 before the Industrial Court at Nagpur.

6. Respondent Nos. 2 & 3, therefore, have to obtain necessary orders and proceed further to enter the management of R.M.M.S. thereafter. We, therefore, find that in such situation, when Respondent Nos. 2 & 3 have not been put in possession by any authority as per law, the communication dated 30.05.2017 issued by Respondent No. 1, cannot stand. It is accordingly quashed and set aside.

7. Considering the situation, we expedite the proceedings in Trade Union Dispute No. 3 of 2014 and the Member, Industrial Court, Nagpur, to attempt to decide the same within a period of six months from the date of communication of this order.

8. Writ Petition is thus allowed and disposed of. No order as to costs.

JUDGE

JUDGE

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