

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO.33 OF 2017

Chandrakant s/o Rabaji Dhawale,
Age: 60 years, Occu: social work,
R/o Ganvthan, Kharekarjune,
Tq. & dist. Ahmednagar

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Chief Secretary,
Mantralaya, Madam Cama Road,
Hutatma Rajguru Chowk, Nariman Point,
Churchgate, Mumbai-400032
2. The State of Maharashtra,
Through its Principal Secretary,
Department of Labour,
Mantralaya Madam Cama Road,
Hutatma Rajguru Chowk, Nariman Point,
Churchgate, Mumbai-400032
3. The State of Maharashtra,
Through its Secretary,
Industries Mining Employment
& Self Employment Department,
Mantralaya, Madam Cama Road,
Hutatma Rajguru Chowk, Nariman Point,
Churchgate, Mumbai-400032
4. The Assistant Labour Commissioner,
Sattha Colony, Near Khalkar Hospital,
Ahmednagar, District Ahmednagar
5. Exide Industries Limited,
E-5 MIDC, Ahmednagar,
Through its Manager
6. The State Advisory Board,
Maharashtra State,
Mumbai, Through its Chairman

(2)

7. The Deputy Labour Commissioner,
Nashik Division, Udyog Bhavan,
4th Floor, Satpur Road, Nashik
8. The Deputy Director,
Industrial Safety and Health,
Ahmednagar – 414001
9. Sawraj Kamgar Sanghatana,
Gajanan Colony, Dongare Complex,
Ahmednagar – 414001
Through its Secretary

..RESPONDENTS

Mr P. S. Anerao, Advocate for petitioner;
Mr A. R. Kale, A.G.P. for respondents/State

**CORAM : PRASANNA B. VARALE
AND
MANISH PITALE, JJ.**

DATE : 16th October, 2018

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

2. Though the present petition is named and styled as public interest litigation, on perusal of the material placed on record, contents and the prayers of the petition, we are of the clear opinion that this is an absolutely misconceived petition.

3. The petitioner claims to be a social worker and prays that by issuing writ of certiorari or any appropriate writ or directions, order, quash and set aside the memorandum of settlement made by respondent Nos.5 and 9, dated 2nd July, 2014, for the benefit of labour and workers.

(3)

4. Now this memorandum of settlement is between the registered trade union, namely, Swaraj Kamgar Sanghatana and industry, namely, Exide Industries Limited. A copy of the memorandum of settlement is placed on record, which clearly states that the settlement is arrived at by the parties by invoking the provisions of Industrial Disputes Act, 1947 and Rules thereunder. On the backdrop of this very fact, we are unable to entertain the petition which is termed and styled as public interest litigation.

5. Learned Counsel for the petitioner made a statement before us that he has raised certain grievance before the authorities and our attention was invited to the representation made to the Secretary of Labour and Industries Department. On a specific query put to learned Counsel for the petitioner as to whether the petitioner approached any local authority, he fairly submits that no such exercise is undertaken by the petitioner by approaching directly local authorities for raising his grievance.

6. Considering all above referred facts, we are not at all inclined to entertain the petition and the petition requires to be dismissed at the threshold. Accordingly, the public interest litigation is dismissed.

(MANISH PITALE, J.)

(PRASANNA B. VARALE, J.)

sjk