

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10193 OF 2018
WITH WP/10194/2018 WITH WP/10198/2018 WITH WP/10199/2018
WITH WP/10897/2018 WITH WP/10898/2018 WITH WP/10899/2018
WITH WP/10900/2018 WITH WP/10901/2018 WITH WP/10902/2018
WITH WP/10903/2018

JIJABAI PANDIT GORE
VERSUS
MUNICIPAL CORPORATION DHULE

...
Advocate for Petitioners : Shri Gujarathi Yatish G.
Advocate for Respondent : Shri Desale Nilesh N.

...
CORAM : RAVINDRA V. GHUGE, J.
Dated: October 16, 2018

...
PER COURT :-

1 In all these petitions, the identically placed petitioners are aggrieved by the non-implementation of the judgment and order dated 12.1.1996, delivered by the Industrial Court, Nasik in their respective ULP Complaints.

2 Learned counsel for the petitioners vehemently submits that the judgment delivered in January 1996 has not been implemented by the respondent / Corporation. The petitioners were consistently assured that the said judgment and directions therein would be complied with. These petitioners trusted the respondent / Corporation and waited for years while continuing in employment. After they retired from service on attaining the age of superannuation, they realized that the

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2 - WRIT PETITION NO. 10193 OF 2018 & ORS

respondent does not have any intention of implementing the said judgment.

3 This Court, while exercising its supervisory jurisdiction under Article 227 of the Constitution of India, cannot issue directions by treating these petitions as execution proceedings. The petitioners are not aggrieved by any judgment or order passed by the trial Court. As such, these petitions cannot be entertained.

4 I find that these petitioners can jointly or severally raise an industrial dispute under Section 2(k) of the Industrial Disputes Act before the 'appropriate Government' and if the conciliation fails, the 'appropriate Government' can refer the dispute to the Industrial Tribunal. If all these petitioners come together, there would be no impediment for the 'appropriate Government' to refer a common dispute to the Industrial Tribunal under a single order of reference.

5 In view of the above, these petitions are disposed off with liberty as stated above.

6 If these petitioners raise an industrial dispute as regards the non-

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

3 - WRIT PETITION NO. 10193 OF 2018 & ORS

compliance of the judgment of the Industrial Court within a period of six weeks from today, though the Industrial Disputes Act, does not prescribe any limitation, the time spent by the petitioners in this Court and the further six weeks granted for raising the industrial dispute, would be considered as a good ground for condonation of delay.

(RAVINDRA V. GHUGE, J.)

...