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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7271 OF 2018

Kalwa Mukand Employees Union	...Petitioner
vs	
M/s. Mukand Ltd. & Ors.	...Respondents

.....
Mr. Sanjay Singhvi, Senior Advocate, a/w. Ms. Jane Cox, i/b. Ms. Karishma Rao, for the Petitioner.

Mr. Pramod Anaokar, a/w. Mr. Rahul D. Oak, for Respondent Nos. 1, 3 and 4.

Mr. Yogendra Pendse, or Respondent No.5.

.....
CORAM : S.C. GUPTE, J.

DATED: JULY 10, 2018

P.C. :

. After the matter is heard and this Court is ready to dictate the order, learned Counsel for the parties request the Court to pass final orders but not set out reasons for the order. It is, accordingly, ordered as follows :-

The impugned interim order of the Industrial Court passed on 22 June 2018 in Complaint (ULP) No.105 of 2018 is confirmed save and except the following modification:

(i) The Industrial Court at Thane shall dispose of Complaint (ULP) No.105 of 2018 as expeditiously as possible and preferably within

a period of three months from today.

(ii) All other pending litigations (i.e. the litigation other than Complaint (ULP) No.105 of 2018 and dispute arising out of application dated 7 July 2018 under Section 28A-1 of the Trade Unions Act, 1926) between the first Respondent Company and its workmen represented through the Petitioner Union, which are sought to be withdrawn in pursuance of the settlement signed between the Company and the workmen, shall not be proceeded with for a period of three months from today or till the disposal of Complaint (ULP) No.105 of 2018, whichever is earlier.

(iii) In case the complaint is not disposed of within three months and, as a result, the interim order passed above is required to be extended, liberty to the Petitioner Union to apply to this Court for extension of the interim relief.

(iv) All rights and contentions of the parties on merits in this behalf are kept open to be decided by the Deputy Registrar.

(v) Deputy Registrar of Trade Unions, Thane, is requested to expeditiously consider the matter of grant of consent certificate in the application under Section 28A-1 of the Trade Unions Act referred to above, preferably within a period of two weeks from today.

(vi) In case any consent certificate is issued by Deputy Registrar of Trade Unions in the matter of the application, the application, if any,

to be filed in pursuance of such certificate, shall be heard and finally decided by the same Industrial Court, which is hearing Complaint (ULP) No.105 of 2018. The application shall be decided along with Complaint (ULP) No.105 of 2018 within the period of three months referred to above.

(vii) The writ petition is disposed of with liberty to apply.

(S.C. GUPTE, J.)

Smita
Johnson
Gonsalves

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Johnson Gonsalves
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