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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION NO. 359 OF 2016
WITH
WRIT PETITION NO. 113 OF 2017

Co-operative Banks Employees Union,Thane ... Petitioner

Through its General Secretary

vs.

Thane Bharat Sahakari Bank Ltd and Ors. ... Respondents

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Mr. Meelan Topkar for the Petitioner.

Mr. Kiran Bapat for the Respondents.

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CORAM : A.K. MENON, J.

DATE : 17th APRIL, 2018

P. C.

1. By this contempt petition the union has alleged that the respondent nos. 1, 2 and 3 are in contempt of order dated 1st March, 2016 passed by this Court in Writ Petition no. 10141 of 2015 and Writ Petition No. 2439 of 2016. By this order this Court disposed of the two Writ Petitions confirming directions given by the Industrial Court on 11th September, 2015 in Reference (IC) No. 1 of 2015 and in particular in clause (2), (3), (5) and (6) which read as under :

(2) The second party is hereby restrained from altering, changing, modifying the service condition of employees covered by the Charter of Demand dated 2.5.2014.

(3) The second party is restrained for entering into agreement, settlement or negotiation with any other association, group of person, other than the first party union.

(5) The issue in deduction of the wages equivalent to 20% in favour of the first party union shall be decided after recording the evidence of both the parties.

(6) The cost of the application shall be in the main cause.

The Court quashed and set aside direction no. 4 which reads as under :

(4) The second party union is directed to discuss the issue of 15% rise in monthly wages with the first party union within a period of one month and with the consent give the effect to the rise in wages from 1.5.2014.

2. It is the case of the petitioner that vide direction no. 2 the Industrial Court had restrained respondent no. 1 from altering service conditions of employees covered by a Charter of demands dated 2nd May, 2015 and restrained them from entering into any settlement with any group of persons and other petitioner union. It is urged that in violation of direction no. 2 adhoc payment was made to each of these workmen thereby altering service conditions. It was further contended by Mr. Topkar that after the order dated 1st March, 2016 and upon demand the application

for interim relief was heard on 18th July, 2016 and was posted for orders on 10th August, 2016. But in the interim, the respondent bank granted aforesaid ad-hoc rise in violation of the order of the Industrial Court and as confirmed by this Court.

3. On behalf of the respondent it is contended by Mr. Bapat that one application alleging contempt was already pending before the Industrial Court by which the Union had complained of an ad-hoc raise given to some employees. This application is stated to be pending. In the circumstances, I am of the view that the issue raised in this petition can conveniently be agitated before the Industrial Court in the pending application. To that effect, the petitioner union will be entitled to seek amendment and/or file a supplementary application in order that this aspect may be considered. No further orders required to be passed in this contempt petition. Contempt petition is disposed off with the aforesaid directions.

(A.K. MENON, J.)