

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3005 OF 2018

Hind Kamgar Sanghatana ... Petitioner

Versus

Orient Rubber Industries Ltd. & Anr. ... Respondents

Mr. M. D. Modgi for the Petitioner.

Mr. R. S. Pai a/w Mr. A. K. Gopalan I/by Haresh Mehta & Co. for the Respondent No.1.

Mr. Neel Helekar for the Respondent No.2.

**CORAM : R. M. SAVANT AND
NITIN W. SAMBRE, JJ.**

DATE : 23rd OCTOBER 2018.

P.C.

1. The Judgment and Order dated 12th February 2014 passed by the learned Member of the Industrial Court, Pune in Application (MRTU) No.07 of 2014 is taken exception to by way of the present Petition.

2. By the said order, recognition was granted to the Respondent No.2 as being the recognized Union, insofar as the Respondent No.1 – Undertaking is concerned. It seems that an Application came to be filed by the Respondent No.2 for recognition under Section 11 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act,

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1971 (hereinafter be referred to as 'MRTU & PULP Act' for the sake of brevity) on 28th January 2014. The said application has been allowed by the impugned order dated 12th February 2014.

3. Insofar as the Petitioner is concerned, it is pertinent to note that in paragraph 2 of the Petition it has been averred that the Petitioner had started functioning in the Respondent No.1 – Undertaking since the year 2017 and it is averred that in the complaint (ULP) No. 247 of 2017 filed by the Petitioner that the Petitioner first time became aware of the fact that the recognition has been accorded to the Respondent No.2 under the MRTU & PULP Act, 1971. It is thereafter that the instant Petition is filed and filing of the said Petition is justified on the said ground. The challenge in the Petition is founded on the fact that the necessary statutory compliances have not been done by the Respondent No.2 prior to it being granted recognition.

4. As indicated above, the order dated 12th February 2014 passed by the learned Member of the Industrial Court granting recognition to the Respondent No.2 has been challenged by the above Petition which has been filed on 7th December 2017.

5. In our view, both on the ground of delay and laches and

having regard to the fact that the Petitioner has started functioning in the Respondent No.1 only from 2017, which fact impinges on the *locus standi* of the Petitioner to question the impugned order on the ground that necessary compliances have not been made, the above Petition is required to be dismissed and is accordingly dismissed.

(NITIN W. SAMBRE, J.)

(R. M. SAVANT, J.)