

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION (L) NO. 3214 OF 2018**

Satish Ramchandra Kasare & Anr

..Petitioners

Vs.

The BEST Workers Union & ors

..Respondents

**Mr. R. A. Thorat Senior Advocate, with Mr. Pratik Rahade for the
Petitioners**

Ms. Neeta Karnik for the Respondent No.1

**Ms Kavita Anchant with Mr. Arsh Mishra i/b M.V. Kini & Co. for the
Respondent No.2**

Mr. Dushyant Kumar AGP for the Respondent State

CORAM :R. M. SAVANT, &

M. S. KARNIK, JJ

DATE : 24th SEPTEMBER, 2018

P.C.

1 The above Writ Petition has been filed questioning the election programme to the Managing Committee of the Respondent No.1 Union. It is required to be noted that the programme published interalia comprises of the various stages of the elections ultimately culminating in the voting for the seats to the General Council of the Respondent No.1 herein which is to take place on 1-10-2018 and voting for the Managing Committee which is to take place on 13-10-2018. An affidavit in reply has been filed on behalf of the Respondent No.1 Union in which it has been stated as regards the stages of the elections which are already over. It is further stated that about 789 nominations have been received in respect of the General Council and it would be out of the members elected to the General Council that the elections to the Managing Committee would take place on 13-10-2018. Hence the aforesaid

fact discloses that the elections have been set in motion and the election programme is at an advanced stage.

2 The challenge to the election programme is on the basis of the consent terms dated 10-8-2018 filed before a Learned Single Judge of this Court in Writ Petition No.985 of 2018. It is contended on behalf of the Petitioner by the Learned Senior Counsel that the election programme is in violation of the said consent terms and especially clauses 2 to 5 thereof. In our view, the said submission is misconceived, as the issue in the said Writ Petition was the check off system i.e. deduction of subscription and transmission of the subscription to the concerned Union. The consent terms inter alia provided a machinery for the change of allegiance to a particular Union and it is in the said context that the consequential steps have been mentioned in the consent terms wherein the role of the Nodal Officer has been mentioned.

3 In our view, the directions as contained in the consent terms would have no bearing in so far as the elections to the Respondent No.1 Union to its General Council and the Managing Committee is concerned. Having regard to the stage at which the election programme is at present, we are of the view that no interdiction in the said election programme is called for at this stage, in our Writ Jurisdiction. The Writ Petition is accordingly dismissed.

Meera
Mahesh
Jadhav

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[M. S. KARNIK, J]

[R.M.SAVANT, J]