

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 261 OF 2018

Shramik Utkarsh Sabha

...Petitioner

V/s.

Maharashtra Navnirman Kamgar

Sena and anr.

....Respondents

* * * * *

Mr. P.M. Palshikar, Advocate for the petitioner.

Mr. V.P. Vaidya I/by. Mr. M.M. Agavekar, Advocate for the respondent.

Coram : A.S. Oka, &

Sandeep K. Shinde, JJ.

Monday, 26 November, 2018.

P.C. :

1. The first respondent made an application under Section 14 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short "MRTU & PULP Act) seeking registration as a "Recognised Union". The order impugned in this petition under Article 226 of the Constitution of India is an interim

order dated 5th October, 2017 passed by the Learned Member of the Industrial Court on application at Exhibit-U-

9. The operative part of the impugned order reads thus :

“(1) The application Exhibit-U-9 is allowed.

(2) The Investigating Officer is directed to make physical verification of the register for the period of six months preceding the date of application and verify by questioning the common members of both unions as to whether they were factually members of the applicant union for all the six months preceding the date of application.”

2. By the impugned order, nothing is decided on merits. All issues in the main application under Section 14 remain open.

3. Moreover, in the event, the final order on the application under Section 14 is against the petitioner, while filing appropriate proceedings for challenging the final order, the petitioner can challenge the order impugned in this Writ Petition. Hence, we decline to entertain this Writ

Petition under Article 226 of the Constitution of India.

4. Subject to what is observed, this Writ Petition is disposed of.

5. All contentions of the parties are kept open.

(SANDEEP K. SHINDE, J)

(A.S. OKA, J)