

SMT JUSTICE T. RAJANI

CRIMINAL PETITION No.10854 of 2011

ORDER:

This criminal petition is filed, seeking for quash of the proceedings in S.T.C.No.30 of 2011, against the petitioners, who are the accused, on the file of the XII Additional Chief Metropolitan Magistrate, Hyderabad. The offence alleged is under Section 2(ra) of the Fifth Schedule I(1)(c) of the Industrial Disputes Act, 1947 for adopting unfair labour practice by the petitioner.

2. Heard the counsel for the petitioners and the learned Public Prosecutor, appearing for the respondents.

3. The counsel for the petitioner submits that there is a settlement between the parties, which remained in operation from 01.01.2009 to 31.12.2009.

4. The tenth term of the settlement would show that neither the union nor the workmen shall raise or request, any demand whatsoever invoking additional financial burden on the company. The Fifth Schedule, which defines unfair labour practice prevents grant of wage increase to workmen at crucial periods of trade union organization with a view to undermining the effort of the trade union at organization. Hence, from the above and the fact that the wages were raised for certain employees, it can be understood that there is violation of the Fifth Schedule by the petitioners.

5. Though the counsel for the petitioners submits that the explanation for raising wages was given by the petitioners,

the genuineness of the said explanation has to be gone into at the time of trial. Hence, this Court opines that, at this stage, it is not advisable to quash the proceedings.

In the light of the above, the criminal petition is dismissed. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

October 8, 2018
DSK

T. RAJANI, J

