

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

911 WRIT PETITION NO.1907 OF 2005

Maharashtra State Electricity Board
through the Establishment Officer,
M.S.E.B. Prakashgad IInd Floor,
Bandra (E), Mumbai - 51.

..Petitioner
(Ori. Respondent)

VERSUS

Rajendra S/o. Vishnu Sanap
Aged: 46 Yrs., Occu.: Service,
R/o.Umravnagar,
5/1, Poornima Nagar, Deopur, Dhule,
Dist.Dhule.

..Respondent
(Ori. Complainant)

...
Advocate for Petitioner : Shri A.S. Bajaj
Advocate for Respondent : Shri Mukul S. Kulkarni
...

CORAM : P.R.BORA, J.

DATE: 9th April, 2019

JUDGMENT:-

1. When the present Writ Petition is taken up for hearing, Shri Mukul S.Kulkarni, learned Counsel appearing for the respondent brought to the notice of the Court that the companion Writ Petitions filed by the petitioner have already been dismissed by this Court on 04.07.2006. The learned Counsel submitted that a common order passed by this Court in Writ Petition Nos.49 of 2005, 50 of 2005 and 51 of 2005 is placed

on record by the respondent. The learned Counsel submitted that in view of the common order passed by this Court in the aforesaid Writ Petitions, the present Petition also deserves to be dismissed.

2. Shri A.S.Bajaj, learned Counsel appearing for the petitioner after having gone through the copy of the order placed on record by the respondent in the aforesaid Writ Petitions submitted for passing appropriate orders.

3. The petitioner has preferred the present petition against the Judgment and order passed by the Member, Industrial Court, Jalgaon in Complaint (ULP) No.1005 of 1999 [Old Complaint (ULP) No.47 of 1994]. The Industrial Court vide the Judgment and order passed on 26.10.2004, in the aforesaid Complaint (ULP), has declared that the present petitioner has committed unfair labour practices under Item 5 and 9 of Schedule-IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, and has issued further directions against the present petitioner to cease and desist from such unfair labour practices thenceforth.

4. Writ Petition Nos.49 of 2005, 50 of 2005 and 51 of 2005

were preferred by the petitioner against the common Judgment and award passed by the Industrial Court, Jalgaon in Complaint (ULP) Nos.1203 of 1999, 1252 of 1999 and 1301 of 1999. The same relief was granted by the Industrial Court, Jalgaon, which has been granted in the decision rendered in Complaint (ULP) No.1005 of 1999, which has been subjected in the present Writ Petition. The respondent herein stands at par with the complainants in the aforesaid Complaint (ULP) applications.

5. It is also brought to my notice that the order passed by this Court on 04.07.2006, in Writ Petition Nos.49 of 2005, 50 of 2005 and 51 of 2005, was subjected before the Hon'ble Apex Court, however, the said Civil Appeal Nos.5581 of 2009 to 5586 of 2009 were dismissed by the Hon'ble Apex Court vide order passed on 24.08.2017.

6. In view of the facts as aforesaid, the present Writ Petition also stands dismissed for the reasons recorded by this Court in Writ Petition Nos.49 of 2005 with other connected matters decided on 04.07.2006. Rule is discharged

(P.R.BORA)
JUDGE

SPT