

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7742 OF 2019
(Bank Kramchari Sangh, Latur Vs. Latur District Central co.op.Bank Ltd.,)

Mr.S.B.Madde, Advocate for the petitioner.

(CORAM : Ravindra V.Ghughe, J.)

DATE : 09/07/2019

PER COURT :

1. The petitioner/Union is aggrieved by the judgment of the Industrial Court dated 10/01/2013 challenged in this petition after 6 years, by which revision under the B.I.R. Act No.1 of 2011 filed by the respondent/Bank for challenging the interlocutory order passed by the Labour Court, has been allowed.

2. The Labour Court had delivered an interim order dated 11/08/2011 directing the Bank to stop the activity of increasing the number of employees by resorting to a recruitment process, till the final disposal of the main petition. Being aggrieved by this interlocutory order, the Bank approached the Industrial Court, which has set aside the said direction.

3. Considering the submissions of the learned Advocate for the petitioner, I have gone through the impugned orders. The Industrial

Court has carefully considered the objections raised by the petitioner/Union. The petitioner alleges retaliatory union activities as a ground for causing recruitment and therefore sought injunctory orders from the Labour Court.

4. In my view, as the Industrial Court concluded that the petitioner/Union is not a representative union under the B.I.R. Act, it could not have espoused the cause and more so as against a recruitment process. So also, in my view, a recruitment process, being stayed by an interlocutory order, is virtually granting final relief in view of the fact that the Union had not come up with a case that their members are being discontinued and vacancies are being created so as to recruit fresh hands.

5. In view of the above and considering that 6 years have passed by after the Industrial Court delivered its judgment, this petition is not been entertained for being devoid of merit and stands dismissed. Nevertheless, the Labour Court, Latur shall proceed with application B.I.R. No.2/2010 as expeditiously as possible and decide the said proceedings on or before 31/03/2020, if not already decided.

(Ravindra V.Ghuge, J.)