

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 1411 of 2017**

Krantikari Kamgar UnionPetitioner
versus
The Government of India and ors.Respondents

Ms. Jane Cox i/b. Ms.Karishma Rao, advocate for the petitioner.
Mr. P. M. Palshikar i/b. Mr. P. P. Jadhav, advocate for respondent No.1.
Mr. H. V. Mehta, advocate for respondent No.2.
Ms. Uma Palsuledesai, AGP for the State.

**CORAM : RANJIT MORE &
M. S. KARNIK, JJ.**

DATE : 28^h NOVEMBER, 2019.

P. C. :

Mr. Phalsikar, learned counsel for respondent No.1, at the outset, placed on record, order dated 27th November, 2019, passed by D. K. Himanshu, Under Secretary to the Government of India, Ministry of Labour and Employment. The Government of India in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, has referred the dispute between the employer in relation to the management of M/s. ESI Corporation and others, and the disputant for adjudication to the Central Government Industrial Tribunal-cum-Labour Court No.2, Mumbai. In the light of this order, the relief claimed in prayer clause (a) is rendered infructuous.

2. So far as other reliefs are concerned, we pass the following order :
 1. In the light of reference order referred above, we grant the petitioner leave to apply to the Industrial Tribunal for interim relief within a period of four weeks from today. Till the application for interim relief is decided by the Industrial Tribunal and for a period of four weeks after receipt of copy of said interim award by the petitioner, respondent No.2-ESIC and the so called contractors shall maintain status-quo in respect of the workmen listed along with the order of reference. The said workmen shall continue to get wages and benefits to which they are entitled as per the order of the Regional Labour Commissioner (Central) Mumbai dated 24th April, 2000 and the present mode of payment shall also continue. This will, however, be subject to superannuation or termination for proved misconduct or by retrenchment in accordance with law. It shall be open to the petitioner/workmen to include in their application for interim relief, the reliefs prayed for in the notice of motion moved in writ petition Nos.1335 of 1999, 1985 of 2005 and the reliefs in the present writ petition.
 2. The Industrial Tribunal shall hear and dispose of the reference expeditiously and within a period of 1 year from its receipt of the reference.

3. It is specifically made clear that this order should not be construed as an expression of any opinion on merits and all rights and contentions of the respective parties are kept open to be agitated before the Industrial Tribunal.
4. The petitioner is also at liberty to apply to the Central Regional Labour Commissioner- appropriate authority for issuance of corrigendum to add names of two workers.

The writ petition stands disposed of.

[M. S. KARNIK, J.]

[RANJIT MORE, J.]