

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1279 OF 2020

Ratnagiri Kamgar Union	...	Petitioner
Versus		
J.K. Files (India) Ltd.	...	Respondent

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Mr. Avinash Jalisatgi i/b Vaibhav Jagdale for the Petitioner.
Mr. Ravindra V. Paranjpe for Respondent.

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CORAM : S.C. GUPTE, J.

DATE : 11 FEBRUARY 2020

P.C. :

. This writ petition challenges an order passed by the Industrial Court at Kolhapur on a complaint of unfair labour practice. The complaint was filed by the Petitioner herein (original complainant) under Section 28 (1) read with Items 9 and 10 of Schedule IV of Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act 1971. The main grievance of the complainant union was about deduction of union's subscription towards annual membership of Bambai Mazdoor Union from the wages of employees represented by it. One of the grounds, on which the complaint was dismissed by the Industrial Court, was that the rival union, namely, Bambai Mazdoor Union, who was a necessary party to the complaint, was not impleaded as party respondent to it. After the matter is heard

at some length, it is agreed between learned Counsel for the parties, that the impugned order of the Industrial Court may be set aside and the complaint be remitted to the court for a fresh hearing in accordance with law, and after joining the rival union, namely, Bambai Mumbai Mazdoor Union, as a party respondent to it. Accordingly, the impugned judgment and order dated 16 October 2019 passed by the Industrial Court is quashed and set aside and Complaint (ULP) No. 48 of 2015 is remanded to the Industrial Court for a fresh hearing in accordance with law. The Industrial Court shall join Bambai Mazdoor Union as a party respondent to the complaint and after issuing notice to that Union and hearing the parties, dispose of the complaint. The Industrial Court is requested to dispose of the complaint as expeditiously as possible, and preferably within a period of four months from today. Both parties to appear before the Industrial Court on 17 February 2020 at 11.00 a.m. and produce an authenticated copy of this order, whereupon the Industrial Court may fix the schedule of hearings and hear the complaint accordingly. The writ petition is disposed of in the above terms.

(S.C. GUPTE, J.)

Rajesh V.
Chittewan

Digitally signed
by Rajesh V.
Chittewan
Date: 2020.02.17
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