

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

WRIT PETITION NO. 4143 OF 2013

M/s.Pranav Construction Systems Pvt.Ltd. & Anr. ...Petitioners
vs.
Maharashtra Navnirman Kamgar Sena ..Respondent

Mr.V.P. Vaidya with Shraddha Chavan i/b. Mahendra Agavekar for
Petitioner.
Mr.Ravindra Nair for Respondent.

CORAM : S.C. GUPTE, J.

DATE : 3 JANUARY 2020

PC. :

This petition challenges an interim order passed by two courts below, namely, the Labour Court at Thane in a complaint of unfair labour practice (Complaint (ULP) No.88/2012) and the Industrial Court at Thane in revision (Revision Application (ULP) No.33/2013).

2 Though the petition has not yet been admitted, stay granted by this court as far back as on 25 April 2013 has been in operation till date. By an order dated 9 February 2016, this court directed the Labour Court to proceed with the hearing of the complaint which was of the year 2012. Considering the fact that there are around 68 employees which are concerned in the matter, the Labour Court was asked to consider giving priority to the disposal of the complaint. Learned Counsel for the parties inform the court that though the complaint has made some progress (evidence is being recorded in the complaint), the complaint is still taking time.

3 Learned Counsel for the Petitioner, in the premises, submits that he will not press his petition, if the trial court is asked to expeditiously dispose of the complaint and in the meantime, the ad-interim stay operating from April 2013 is continued. Learned Counsel for the Respondent has no objection to the request except that he submits that, in the meantime, his clients must get some relief.

4 It will be in the interest of justice, in the circumstances, to expedite the hearing of the complaint and also, in the meantime, leave it to the Labour Court to consider appropriate relief to the employees represented by the Respondent union.

5 The writ petition is, accordingly, disposed of by directing the Labour Court at Thane to hear the complaint and dispose of the same expeditiously and preferably within a period of six months from the date this order is pointed out to the court. Both parties, to that end, shall appear before the Labour Court on 16 January 2020 at 11.00 a.m. and produce an authenticated copy of this order, whereupon a schedule of hearings may be fixed by the Labour Court. In the meantime, pending the hearing and final disposal of the complaint, the ad-interim stay granted by this court on 25 April 2013 shall continue to operate subject, however, to the right of the Respondent herein to apply for suitable interim relief as a condition of the stay before the Labour Court, if so advised. In case any such application is made, the same shall be decided by the Labour Court on its own merits, and without being influenced by this order.

(S.C. GUPTE, J.)