IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12178 OF 2015

Mahanagarpalika Karmachari Sangh ... Petitioner
Versus
Kolhapur Municipal Corporation,
Kolhapur ... Respondent

ALONG WITH
WRIT PETITION NO.5690 OF 2014

The Commissioner, The Kolhapur
Municipal Corporation,
Kolhapur And Another ... Petitioners
Versus
Shri Dharmendra Shankar Gore
And Others ... Respondents

ALONG WITH
CONTEMPT PETITION NO.308 OF 2015

Anil Dinkar Jadhav ... Petitioner
Versus
Mr. P. Shivshankar,
The Commissioner And Another ... Respondents

ALONG WITH
WRIT PETITION NO.2443 OF 2015

The Commissioner, Kolhapur
Municipal Corporation ... Petitioner
Versus
Mahanagarpalika Karmachari Sangh ... Respondent

ALONG WITH
WRIT PETITION NO.2478 OF 2015

The Commissioner, Kolhapur
Municipal Corporation ... Petitioner
Versus
Mahanagarpalika Karmachari
Sangh through its Secretary ... Respondents

ALONG WITH
WRIT PETITION NO.2479 OF 2015

The Commissioner, Kolhapur
Municipal Corporation ... Petitioner
Versus
Mahanagarpalika Karmachari
Sangh through its Secretary ... Respondents

ALONG WITH
WRIT PETITION NO.2480 OF 2015

The Commissioner, Kolhapur
Municipal Corporation ... Petitioner
Versus
Mahanagarpalika Karmachari
Sangh through its Secretary ... Respondents

ALONG WITH
WRIT PETITION NO.2682 OF 2016

The Commissioner, Kolhapur
Municipal Corporation ... Petitioner
Versus
Mahanagarpalika Karmachari
Sangh through its Secretary ... Respondents

ALONG WITH
WRIT PETITION (ST.) NO.5674 OF 2016

The Commissioner, Kolhapur
Municipal Corporation
And Another ... Petitioners
Versus
Mahanagarpalika Karmachari
Sangh And Others ... Respondents

ALONG WITH
WRIT PETITION (ST.) NO.5678 OF 2016

The Commissioner, Kolhapur
Municipal Corporation
And Another ... Petitioners
Versus
Mahanagarpalika Karmachari
Sangh And Others ... Respondents

ALONG WITH
WRIT PETITION NO.8827 OF 2016

Shri Sandip Vaantrao Varne
And Another ... Petitioners
Versus
Kolhapur Municipal Corporation
And Another ... Respondents

ALONG WITH
WRIT PETITION NO.8950 OF 2016

Pramod Anandrao Kadam
And Another ... Petitioners
Versus
Kolhapur Municipal Corporation
And Another ... Respondents

ALONG WITH
WRIT PETITION NO.8973 OF 2016

Sachin Umakant Charaple
And Another ... Petitioners
Versus
Kolhapur Municipal Corporation
And Another ... Respondents

ALONG WITH
WRIT PETITION NO.9451 OF 2016

Shri Avinash Shripati Jambhekar
And Another ... Petitioners
Versus
Kolhapur Municipal Corporation
And Another ... Respondents

ALONG WITH
WRIT PETITION NO.9456 OF 2016

Sou. Ratan Prabhakar Paradkar
And Another ... Petitioners
Versus
Kolhapur Municipal Corporation
And Another ... Respondents

ALONG WITH
WRIT PETITION NO.9803 OF 2016

Shri Sarang Dinkar Chavan
And Another ... Petitioners
Versus
Kolhapur Municipal Corporation
And Another ... Respondents

ALONG WITH
WRIT PETITION NO.9839 OF 2016

Shri Sunil Sarjerao Nikam
And Another ... Petitioners
Versus
Kolhapur Municipal Corporation
And Another ... Respondents

ALONG WITH
WRIT PETITION NO.10231 OF 2016

Shri Ashutosh Baburao Patil
And Another ... Petitioners
Versus
Kolhapur Municipal Corporation
And Another ... Respondents

ALONG WITH
WRIT PETITION NO.10338 OF 2016

Mahanagarpalika Karmachari
Sangh ... Petitioner
Versus
Kolhapur Municipal Corporation
And Another ... Respondents

ALONG WITH
WRIT PETITION NO.10452 OF 2016

Smt. Sujata Anil Patil
And Another ... Petitioners
Versus
Kolhapur Municipal Corporation
And Another ... Respondents

ALONG WITH
WRIT PETITION NO.4769 OF 2017

The Commissioner, Kolhapur
Municipal Corporation ... Petitioner
Versus
Shri Ganesh Lahu Kamble ... Respondents

ALONG WITH
WRIT PETITION NO.5095 OF 2017

The Commissioner, The Kolhapur
Municipal Corporation
And Another ... Petitioners
Versus
Mahanagarpalika Karmachari
Sangh through Secretary
And Others ... Respondents

ALONG WITH
WRIT PETITION NO.11622 OF 2017

The Commissioner, The Kolhapur
Municipal Corporation
And Another ... Petitioners
Versus
Shri Mohan S. Dhamane
And Others ... Respondents

ALONG WITH
WRIT PETITION NO.6606 OF 2018

Kolhapur Municipal Corporation,
Kolhapur through Commissioner ... Petitioner
Versus
Mahanagar Palika Karmachari
Sangh through President ... Respondents

ALONG WITH
WRIT PETITION NO.6608 OF 2018

Kolhapur Municipal Corporation,
Kolhapur through Commissioner ... Petitioner
Versus
Mahanagar Palika Karmachari
Sangh, through President ... Respondent

ALONG WITH
WRIT PETITION NO.8727 OF 2018

Ganesh Lahu Kamble ... Petitioner
Versus
Kolhapur Municipal Corporation
Through Commissioner ... Respondent
....

Mr. Deelip N. Patil Bankar for the Petitioners in Writ Petition Nos.6608 of 2018 and 6606 of 2018.
Mr. A.V. Bukhari, Senior Advocate with B.V. Bukhari i/b Mr. Sagar A. Mane for the Petitioner/s in Writ Petition Nos.2443 of 2015, 2478 of 2015, 2479 of 2015, 2480 of 2015, 5059 of 2017, Writ Petition (St.) No.5674 of 2016, Writ Petition (St.) No.5678 of 2016, 11622 of 2017 and Writ Petition No.4769 of 2017 and for the Respondents in Writ Petition Nos.2682 of 2016, 8827 of 2016, 8950 of 2016, 8973 of 2016, 9451 of 2016, 9456 of 2016, 9803 of 2016, 9839 of 2016, 10231 of 2016, 10336 of 2016, 10452 of 2016 and 12178 of 2015, 8727 of 2016, 10338 of 2016 and Contempt Petition No.308 of 2015.

Mr. Meelan Topkar for the Respondent/s in Writ Petition Nos.6608 of 2018, 2443 of 2015, 2478 of 2015, 2479 of 2015, 2480 of 2015, 5095 of 2017, Writ Petition (St.) No.5674 of 2016, 5678 of 2016, 4769 of 2017, Writ Petition No.11622 of 2017, 5690 of 2014, 4769 of 2017 and 6606 of 2018 and for the Petitioner/s in Writ Petition Nos.2682 of 2016, 8827 of 2016, 8950 of 2016, 8973 of 2016, 9451 of 2016, 9456 of 2016, 9803 of 2016, 9839 of 2016, 10231 of 2016, 10338 of 2016, 10452 of 2016 and 12178 of 2015, 8727 of 2018.

Neel J. Helekar for the Petitioner in Contempt Petition No.308 of

2015.

Mr. Deelip N. Patil Bankar a/w Abhishek Deelip Patil for the Petitioner in Writ Petition Nos.6606 of 2018 (Sr.No.23) and 6608 of 2018 (Sr. No.24).

.....

CORAM : S.C. GUPTE, J.

DATE : 11 FEBRUARY 2020

P.C. :

. This group of petitions concerns orders passed by the Industrial Court (Industrial Court Nos.1 and 2) at Kolhapur on complaints of unfair labour practice. The complainants were all claiming as employees of Kolhapur Municipal Corporation. The complaints related to regularization of their services, permanency and other benefits. On these complaints, the two Industrial Courts have come to two diametrically opposite views. Whereas Industrial Court No.1 allowed the complaints and granted reliefs to the complainants, Industrial Court Room No.2 dismissed the complaints (save in case of one complaint). The orders have been challenged, respectively, by the employer establishment, namely, Kolhapur Municipal Corporation and the complainants.

2 After the matters are heard at some length, it is agreed between learned Counsel that all orders impugned in the present petitions, orders of both Industrial Court Nos.1 and 2, may be quashed and set aside the complaints be remanded to Industrial Court No.2 for a fresh hearing in accordance with law. It is submitted that the parties have

led extensive evidence on the complaints. If any party proposes to tender any additional evidence, it will have the liberty to do so.

3 Accordingly, all writ petitions are allowed by quashing and setting aside the impugned orders passed by Industrial Court Nos.1 and 2, and remitting the complaints to Industrial Court No.2 for a fresh hearing in accordance with law. In addition to the evidence led by the parties on the complaints so far, the Industrial Court may permit such of the parties as propose to lead further evidence on the complaints, to do so.

4 The Industrial Court is requested to hear the parties and dispose of the complaints as expeditiously as possible and preferably within a period of six months from today. Both parties to appear before the Industrial Court on 17 February 2020 and produce an authenticated copy of this order, whereupon the Industrial Court may fix the schedule of hearings and proceed to hear the complaints.

5 It is made clear that for setting aside the impugned orders, as above, this court has proceeded simply on consent of parties and has not applied its mind to rival contentions in the matters. All rights and contentions of the parties on merit are kept open.

6 In view of the disposal of the writ petitions, by quashing of the impugned orders, the Contempt Petition, taken out by one successful complaint (Contempt Petition No.308 of 2015), is disposed of without

passing any order.

7 Writ petition No.8727 of 2018 is detagged. This petition shall be heard separately and appear for admission on 2 March 2020.

(S.C. GUPTE, J.)

Rajesh V. Chittewan
Digitally signed by Rajesh V. Chittewan
Date: 2020.02.17 17:18:37 +0530