

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 112 OF 2020

Voltas Employees Union	...	Petitioner
Versus		
Voltas Limited		
And Others	...	Respondents

**ALONG WITH
WRIT PETITION (L) NO.424 OF 2020**

Voltas Limited	...	Petitioner
Versus		
Voltas Employees Union	...	Respondent

.....

Mr. Arshad Shaikh i/b Mr. Rahul D. Oak and Mr. Siddhesh S. Shetye for the Petitioner in Writ Petition (L) No.112 of 2020 and for the Respondent in Writ Petition (L) No.424 of 2020.

Mr. S.K. Talsania, Senior Advocate a/w Mr. V.P. Vaidya and MS. Shraddha Chavan i/b Mr. Mahendra M. Agavekar for the Respondents in Writ Petition (L) No.112 of 2020 and for the Petitioner in Writ Petition (L) No.424 of 2020.

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CORAM : S.C. GUPTE, J.

DATE : 17 FEBRUARY 2020

P.C. :

. Heard learned Counsel for the parties.

2 These writ petitions challenge an interim order passed by the

Industrial Court at Mumbai on a complaint of unfair labour practice made by the Petitioner-union (in Writ Petition (L) No.112 of 2020). The controversy concerns about five workmen of the Respondent, who are proposed to be transferred. 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 dated 25 November 2019 may be quashed and set aside and the Interim Application (Exhibit U-2) may be remanded to the Industrial Court for a fresh hearing in accordance with law. Accordingly, the impugned order passed below Exhibit U-2 is quashed and set aside and the interim application, Exhibit U-2, is remanded to the Industrial Court. The Industrial Court shall *prima facie* consider the merits of the Petitioner's application under all three items, that is, Items 3, 9 and 10 of Schedule IV of Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, and whether any interim relief deserves to be granted under any of these items. All rights and contentions of the parties on merits in that behalf are kept open.

3 In the meantime, no disciplinary action may be taken by the Respondents in respect of the five employees, who have not so far either accepted VRS or reported for duty at the place of transfer.

4 The hearing of the application, Exhibit U-2, shall be completed expeditiously by the Industrial Court. The application shall be heard and order passed thereon by the court preferably within a period of two months from today. Both parties, to that end, shall appear

before the Industrial Court at Mumbai on 21 February 2020 at 11.00 a.m. and produce an authenticated copy of this order. The parties shall co-operate with each other and with the court for expeditious disposal of the interim application and not take time. The time set out above is merely an outer limit; the court may in fact dispose of the Interim Application, Exhibit U-2, even before that date.

5 Both writ petitions are 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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