

IN THE HIGH COURT OF BOMBAY AT GOA**WRIT PETITION NO.110 OF 2021**

AKHIL BHARTIYA MAZDOOR SABHA,
REP. BY VICE PRESIDENT, SURYA
MOHAN DHARGALKAR ... Petitioner

VS

STATE OF GOA,
THR. THE OFFICE OF SECRETARY
LABOUR AND EMPLOYMENT
AND 2 ORS. ... Respondents

Mr. Gautam Yadav and Ms. Namrata Gawde, Advocates for the
Petitioner.

Mr. D. Pangam, Advocate General with Mr. P. Arolkar, Additional
Government Advocate for Respondent Nos. 1 and 2.

**Coram :- M. S. SONAK &
BHARATI H. DANGRE, JJ.**

Date : 23rd February 2021

P.C.

Heard Mr. G. Yadav who appears along with Ms. Namrata
Gawde for the Petitioner. Mr. D. Pangam, learned Advocate General
appears along with Mr. P. Arolkar, learned Additional Government
Advocate for Respondent Nos. 1 and 2.

2. For the order which is proposed to be made, there is no
necessity of issuing any notice to Respondent No.3.

3. From the pleadings there is no clarity as to whether a failure report in terms of Section 12(5) of the Industrial Disputes Act, 1947 (the said Act) has been submitted by the Conciliation Officer i.e. the Commissioner of Labour (Respondent No.2) to the appropriate Government. There is a statement in paragraph 15 that such failure report has been submitted by the Conciliation Officer on 9th December 2020.

4. However, thereafter there is also a statement that the workmen were informed by the office of Respondent No.1 that no such failure report is yet received.

5. Be that as it may, the proceedings for conciliation are required to be concluded expeditiously and there should be no unreasonable delay in submission of failure report if conciliation have failed.

6. Therefore, if the failure report has till date not been submitted by the Respondent No.2 to the appropriate Government then the Respondent No.2 should do so within a period of four weeks from today.

7. Once the failure report is received by the appropriate Government, in the peculiar facts of the present case where the

employment of no less than 140 workmen is at stake, we direct the appropriate Government to take a decision on the issue of reference under Section 10 of the said Act within two months.

8. If the failure report is already received by the appropriate Government then the appropriate Government, to take a decision whether or not to make reference in terms of Section 10 of the said Act within a period of two months from the date of such receipt.

9. The petition is disposed off in the aforesaid terms. There shall be no order as to costs.

10. All concerned to act based on the authenticated copy of this order.

BHARATI H. DANGRE, J

M. S. SONAK, J

at*

TARI AMRUT
NAGESH

Digitally signed by TARI
AMRUT NAGESH
Date: 2021.02.24 09:39:08
+05'30'