

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL WRIT PETITION NO. 474 OF 2021

(Kamal s/o Lakhi Rangwani, Mankapur Vs. Union of India & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mrs. Akansha Wanjari, Advocate for the petitioner.
Mr. Linkan Burde, Advocate h/f Mr. S.A. Choudhari,
Advocate for respondent Nos.1 to 4.
Ms. Mitisha Kotecha, Advocate h/f Mr. M. Anil Kumar,
Advocate for respondent Nos.5 to 7.

.....

CORAM : M.S. SONAK &
PUSHPA V. GANEDIWALA, JJ.
NOVEMBER 16, 2021.

Heard Mrs. Wanjari, learned counsel for the petitioner, Mr. Burde h/f Mr. Choudhari, learned counsel for respondent Nos.1 to 4, and Ms. Kotecha h/f Mr. M. Anil Kumar, learned counsel for respondent Nos. 5 to 7.

2] Having regard to the limited reliefs pressed for by the petitioner, we dispose of this petition at the stage of admission itself.

3] The first grievance of the petitioner is that the State Bank of India's staff union of which the petitioner claims to be a member has raised the dispute and even intimated the Labour Commissioner (Central), Nagpur about the same on 23/07/2019. The grievance is that the Labour Commissioner/

Conciliation Officer has not yet admitted this dispute into conciliation, and therefore, there is neither any settlement reached nor is the dispute being referred by the Central Government to the Central Government Industrial Tribunal for adjudication.

4] Normally, whenever a dispute is raised, the Conciliation Officer must initiate conciliation proceedings and conclude the same one way or the other at the earliest. Therefore, if indeed, this process has not been undertaken, then we direct the Labour Commissioner (Central), Nagpur to initiate this process and conclude the same one way or the other as expeditiously as possible and in any case within four months from today.

5] The second grievance relates to the complaint made on 02/09/2020 to respondent Nos. 1 to 4 for initiating prosecution under various provisions of the Industrial Disputes Act, 1947 for breach of settlement, the commission of unfair labor practices victimization of workmen, and changing the terms of service during the pendency of the proceedings before the Conciliation Officer and Central Government Industrial Tribunal.

6] Again, the grievance is that this complaint is not being attended to and disposed of by the concerned respondents.

7] At this stage, it is not for us to go into the issue as to whether the allegations in the complaint are justified or not. However, the concerned respondents are required to look into this complaint dated 02/09/2020 (at page 192 of the paper-book) and to dispose of the same on its own merits and in accord with law as expeditiously as possible and in any case within four months from today.

8] Accordingly, we issue directions to respondent Nos. 1 to 4 to consider and dispose of the request made in the communication received on 23/07/2019 - Annexure-7 (at page 77 of the paper-book) and complaint dated 02/09/2020 – Annexure-14 (at page 192 of the paper-book) as expeditiously as possible and in any case within four months from today.

9] We make it clear that we have not adjudicated on rival contentions, and therefore, all contentions of all the parties are expressly kept open.

10] The petition is disposed of by issuing the aforesaid directions. There shall be no order for costs.

(PUSHPA V. GANEDIWALA, J.)

(M.S. SONAK, J.)