

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

**INTERIM APPLICATION NO. 18824 OF 2022
IN
WRIT PETITION 13961 OF 2018**

Omega Rolling Mills Pvt. Ltd.	Applicant
IN THE MATTER BETWEEN	
Omega Rolling Mills Pvt. Ltd.	... Petitioner
V/S	
The Chairman Metal And Paper Markets And Shops Mathadi Workers Board & Ors.	RESPONDENTS

Mr. Mahesh Shukla a/w. Adv. Jinkal Shah i/b. Adv. Niraj Prajapati for the applicant.

Mr. Meelan Topkar for the respondent no. 1

Mr. S. D. Rayrikar, AGP for the respondent no. 2

Mr. Rahul D. Oak for the respondent no. 3.

CORAM : NITIN W. SAMBRE, J.

DATED : 23rd NOVEMBER, 2022

P.C.:

1. Learned counsel for the applicant/petitioner would urge that this Court on 04/12/2019 while admitting the petition has not granted interim relief. According to him, thereafter the petition remained pending.
2. He would urge that the prayer for interim relief needs to be adjudicated as before passing the order dated 04/12/2019 refusing interim relief no reasons are furnished.
3. He would further urge that the provision of law contemplate

that the wage rise should be granted to the respondent-workers not unilaterally but only after taking into consideration the claim of the petitioner which is not considered by the respondent-Board.

4. The aforesaid prayer is opposed by learned counsel for the respondents as the earlier order refusing interim relief was by recording reasons and therefore the present prayer for grant of interim relief cannot be considered.

5. The fact remains that before wage rise was granted, the petitioner was put to notice by the respondent-board and also the petitioner was called upon to attend the meeting. That being so the petitioner was given sufficient opportunity of hearing.

6. Apart from above, respondent-board prima facie appeared to have granted wage rise based on the prevailing wages, which are paid to the similarly placed employees.

7. As such, it cannot be said that wage rise granted is arbitrary.

8. For the aforesaid reasons, there is no substance in the application for grant of interim relief. The same stands rejected.