

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

WRIT PETITION NO. 501/2007

(YEOTMAL DISTRICT CENTRAL COOPERATIVE BANK EMPLOYEES UNION **VERSUS** STATE OF
MAHARASHTRA & ANOTHER)

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

Court's or Judge's order

Mrs. K.R. Deshpande, A.G.P. for the R-1.

CORAM : A. S. CHANDURKAR AND SMT. PUSHPA V. GANEDIWALA, JJ.

DATED : 06TH JANUARY, 2022.

The petitioner-Union has been served with the notice for engagement of another counsel. Despite such service, there is no representation on behalf of the petitioner. On 04.01.2022, we had adjourned the hearing of the writ petition and it was kept today so as to grant an opportunity to the petitioner to represent itself. There is however no representation on behalf of the petitioner. Accordingly, with the assistance of Mrs.K.R. Deshpande, learned Assistant Government Pleader for the respondent no.1 we have perused the writ petition and the documents annexed thereto.

The petitioner has challenged the notification dated 09.03.1984 issued by the respondent no.1 notifying areas in Vidarbha region as local areas for the industries shown in Column 2 of the Schedule to that notification. As per the said notification, each Taluka in Vidarbha region has been identified as a local area with regard to industries to which the Bombay Industrial Relations Act, 1946 applies. The petitioner seeks a uniform notification so as to make all District Central Co-operative Banks as District Level Societies on the principle of one recognized union for one industry to be followed uniformly.

This writ petition was directed to be heard alongwith Letters Patent Appeal No.105 of 2006. That letters patent appeal arose out of the judgment of the Single Judge in Writ Petition No.2201 of 1998 decided on 12.08.2005. A similar question as to what would be the 'local area' for registration as a representative union for the co-operative banking industry under the Act of 1946 arose for determination. It was held by the learned Single Judge that the strength of employees working in various branches of the Co-operative Banking

Industry in the respective local areas would be material for determining as to which union was entitled to be recognized as a representative union.

Letters Patent Appeal No.105 of 2006 was decided on 18.12.2020 and the judgment of the learned Single Judge was affirmed. While doing so the Division Bench considered the following question:

“Whether local area which is defined in Section 3(23) of the Bombay Industrial Relations Act, 1946 would mean the area of entire District or area of the Taluka places where the activity of industry goes on ?”

While answering that question, the notification dated 09.03.1984 was considered and the finding was that the local area as notified by the State Government was the relevant local area.

We find that a similar issue arises in this writ petition. Considering the reasons assigned by the learned Single Judge in the judgment delivered in Writ Petition No.2201 of 1998 as upheld by the Division Bench in Letters Patent Appeal No.105 of 2006 and by adopting those reasons, we are of the view that the prayer made in the writ petition cannot be granted.

The writ petition is therefore dismissed with no order as to costs.

(SMT. PUSHPA V. GANEDIWALA, J.)

(A. S. CHANDURKAR, J.)

APTE