

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12337 OF 2021

Vaidyakiya Karmachari Sanghatana Ahmednagar
Zilha Through its General Secretary
Vilas Bhikulal Mundada ...Petitioner

Versus

Pravara Medical Karmachari Sangh Pravara
Medical Trust Through Its General Secretary
And Another ..Respondents

Mr. L.V. Sangit, Advocate for the petitioner.
Mr. A.D. Sonkawade, Advocate for respondent No. 1.
Mr. A.V. Hon, Advocate for respondent No. 2.

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[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 20th MARCH, 2023

ORDER :

1. By this petition filed under Article 226 and 227 of the Constitution of India, the petitioner takes exception to the order dated 13.02.2020, passed by Member, Industrial Court, Ahmednagar in Application (MRTU) No. 1/2014.

2. Respondent No. 1-Union filed application under section 11(1) of Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practice Act, 1971, in form A (Rule 4), thereby seeking a relief that the union be declared as recognized union in non applicant No. 1 undertaking.

3. The application was opposed by the petitioner by filing written say. The Industrial Court after recording evidence and hearing the parties was pleased to allow the application. Hence, the present petition.

4. Heard the learned advocate for the petitioner, learned advocate for respondent No. 1 and learned advocate for respondent No. 2. Perused the grounds raised in the petition, documents placed on record and the impugned order.

5. The main objection of the petitioner to the said application was that respondent No. 1 had not filed general body resolution regarding appointment of secretary who had filed the said application. The accounts of the union were not audited through government auditor and address of the union is not clear and specific.

6. Copy of constitution filed before the Industrial Court shows that there is endorsement of registrar regarding acceptance of changes in constitution. General body resolution from 2015 onwards filed on record shows that Deepak Kadu who filed the application before the Industrial Court is elected as Secretary of Union.

7. It is also brought before the Industrial Court that the government has not appointed any auditor to inspect record of trade unions. There appears some substance in the objection of the petitioner that address of the union is not clear and specific. However, that objection is taken care of by the Industrial Court by giving appropriate direction in Clause 2 of the impugned order. The Industrial Court has properly appreciated the evidence and documents placed on record and has passed a well reasoned order, which is not liable to be interfered with in extra ordinary writ jurisdiction. There is no illegality or perversity in the order impugned in the present petition. The writ petition being devoid of merit is dismissed.

[NITIN B. SURYAWANSHI, J.]