



IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL APPLICATION NO.104 OF 2023

WORKMEN, REP. BY THE GEN.
SECRETARY, NITESH A. SHETYE.,
Versus

... APPLICANT

GOA GLASS FIBRE LTD., FORMERLY
KNOWN AS BINANI INDUSTRIES LTD.,

... RESPONDENT

Ms. N. Gawde, Advocate for the Applicant.

Mr. A. Nigale, Advocate for the Respondent.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 6th December, 2023

P. C.:

1. Heard Ms. Gawde appearing for the Applicant and Mr. Nigale appearing for the Respondent.
2. The present application is for a stay of the Award dated 19/10/2018 passed by the Industrial Court on the ground that the Respondent is now proceeding with further instructions regarding permission application as lapsed and/or does not survive and on the finding that non-employment of the workmen with effect from 24/01/2000 is as a result of a strike by the workmen and not on the Award and on account of lock-out by the management.

3. The Applicant filed the Petition wherein Rule has been issued on 03/02/2023. In the petition, there is no prayer for stay of the main Award, however, by way of the present application the Applicant is now praying for stay only on the ground that the Respondent is filing application for permitting them to take action against the workmen in view of the direction given by the Industrial Court.

4. Ms. Gawde placed reliance on the case of Assets Care and Reconstruction Enterprises Limited V/s The State of Maharashtra & ors., decided on 16/10/2023 by the Apex Court wherein it was observed by the Apex Court that the High Court found that while admitting the matter there was no question of consideration with regard to grant or refusal of interim relief, on the ground that there is an alternate remedy.

5. In this matter, it is not the case or argument of the Respondent that there is an alternate remedy for grant of interim relief. There is no doubt that in the present matter Rule is already issued, however, at that time there was no question for interim relief.

6. Mr. Nigale appearing for the Respondent submitted that, the Respondent had applied for permission to take action against 5 workmen and the Industrial Court kept these applications sine die since the present petition is pending. He further submitted that these applications are also pending and only dates are given.

7. Mr. Nigale submitted that he has challenged the order of the refusal of interim relief and the matters are pending before this Court. Since connected matters are before this court and the respondent on the basis of the Award are trying to file an application before the Industrial Court, and since the Rule is already issued in this matter, it is necessary to consider prayer for the grant of stay of the Award.

Accordingly, the effect of the operation of the award is stayed till disposal of the ~~present application~~. Application stands disposed of accordingly.

Writ Petition No. 623/2019

Corrections carried
out as per the
Order dated
24.07.2024.
Sd/-

BHARAT P. DESHPANDE, J.