

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7737 OF 2023**

Maharashtra State Road Transport Corporation and Anr.... Petitioners
versus
Maharashtra State Transport Kamgar Sanghatana ... Respondent

Mr. Niltesh V. Bhutekar with Mr. Aniket Nangare for Petitioners.
Mr. Mihir Javeri for Respondent.

CORAM: N.J.JAMADAR, J.

DATE : 27 JUNE 2023

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 18 March 2023 passed by the learned Member, Industrial Court at Mumbai on an application preferred by the Petitioner - Respondent No.1 in Complaint (ULP) No.279 of 2022 seeking modification of an order dated 23 December 2022 passed by the Industrial Court, directing the Petitioners not to implement the Circular No.2 of 2022 dated 10 November 2022 whereby the Petitioners proposed to reduce the man-hours to build a bus to 833 from 1200 man-hours. The Petitioners had also assailed the tenability of the Complaint at the instance of the Complainant-Union.
3. By the impugned order, the learned Member, Industrial Court answered the points that the Complainant Union has no *locus standi* to file the complaint, and the Petitioners have made out a case to seek modification of the order passed by the

said Court on 23 December 2022, in the negative. The learned Member, Industrial Court, having regard to the public utility services rendered by the Petitioner-Corporation, however, directed that hearing of the Complaint be expedited and the Complaint be decided within a period of four months from the date of the said order.

4. The core issue involved in the complaint is whether the Petitioner Corporation is justified in reducing the man-hours to 833 from 1200 man-hours in terms of the Circular No.2 of 2022. The said question is rooted in facts and warrants determination on appraisal of the evidence, particularly on the aspect as to whether the Corporation committed breach of award, settlement or agreement and thereby committed an unfair labour practice under Item 9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971.

5. In the aforesaid circumstances, the learned Member, Industrial Court committed no error in declining to modify the order dated 23 December 2022 passed under Section 30(2) of the Act, 1971. The issue of tenability of the complaint at the instance of the Respondent Union has also been justifiably decided by the learned Member, Industrial Court. In any event, the Industrial Court has directed the hearing and disposal of the Complaint in a time bound manner.

6. I am, therefore, not inclined to exercise extra-ordinary writ jurisdiction.

7. It is, however, clarified that the learned Member, Industrial Court, shall decide the Complaint (ULP) No.279 of 2022 on its own merits and in accordance with

law and without being influenced by the orders passed by this Court and the interim orders passed by the said Court.

8. The learned Member, Industrial Court is requested to make an endeavour to decide Complaint (ULP) No.279 of 2022 in adherence to the time stipulated in the impugned order dated 18 March 2023.

9. The Writ Petition accordingly stands disposed.

(N.J.JAMADAR, J.)