

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6827 OF 2019

Madura Coats Pvt Ltd

.. Petitioner

Versus

Jaywantraoi Pisal & Ors.

.. Respondents

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- Mr. Lancy D'Souza a/w Ms. Deepika Agarwal and Mr. V.M. Parkar for Petitioner
- Mr. S.C. Naidu a/w Mr. T.R. Yadav for Respondent Nos. 1, 2 and 4 to 6
- Mr. S.C. Naidu a/w Mr. Suresh Naidu and Mr. Pradeep Kumar i/by Mr. Arsh Mishra for Respondent No. 3 and 7 to 10
- Mr. B.S. Mahamulkar for Respondent No. 12
- Mr. P.P. Pujari, AGP for Respondent State

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CORAM : MILIND N. JADHAV, J.

DATE : OCTOBER 31, 2023

P.C.:

1. Heard Mr. D'Souza, learned Advocate for Petitioner; Mr. Naidu, learned Advocate for Respondent Nos. 1, 2 and 4 to 6, for Respondent Nos. 3 and 7 to 10; Mr. Mahamulkar, learned Advocate for Respondent No. 12 and Mr. Pujari, learned AGP for State.

2. Present Writ Petition takes exception to the order dated 10.05.2019 passed by learned Industrial Court, Maharashtra at Thane in Complaint (ULP) No. 266 of 2018 below Exh. U-2.

3. Perused the impugned order. Respondent Nos. 1 to 10 herein were the original Complainants seeking restraint order against

Petitioner in respect of providing mathadi nature of work to unregistered workers with further prayer to direct them to engage workers of Toli No. 74 and 74A only in Petitioner's establishment. Reading of the impugned order shows that principal point for determination was framed as to whether Respondents had made out a strong *prima facie* case and as to whether they would be entitled to any interim reliefs as claimed by them in their Application. In that view of the matter, on reading of the impugned order it is seen that it is undoubtedly passed on *prima facie* basis. However, Mr. D'Souza would submit that without framing the issue of maintainability of the Complaint filed by the Respondents, Interim Application has been decided. Mr Naidu in his usual fairness and after reading the points for determination agrees to the same. After hearing both the learned Advocates, by consent of both the learned Advocates appearing at the Bar, it is directed that an additional issue be framed for determination i.e. the aspect of maintainability of Complaint under Section 28 of the MRTU & PULP Act, 1971 be kept open and it be tried as an issue along with the other issues framed at the time of final hearing of the Complaint (ULP) NO. 266 of 2018.

4. In addition to the above, it is directed that hearing of Complaint (ULP) No. 266 of 2018 before the learned Industrial Court, Maharashtra at Thane be completed within a period of six months

from the date of uploading of this order.

5. This order is specifically passed in view of the fact that hearing of Complaint (ULP) No. 266 of 2018 is at the evidence stage today before learned Industrial Court and learned Industrial Court is therefore requested by this Court to make an endeavour to complete hearing of Complaint (ULP) No. 266 of 2018 within the aforesaid period and determine the same after passing a reasoned order.

6. Both the parties have assured the Court that they shall not take unnecessary adjournments before the learned Industrial Court and ensure absolute co-operation for determination of the Complaint.

7. It is seen that the Interim Application has been partly allowed and it is clearly recorded that Petitioner is restrained from providing work of mathadi nature in its establishment to any other workers except Respondent Nos. 1 to 10 herein who are workers of Toli No. 74 and 74A till final decision of Complaint. The said arrangement shall be continued until Complaint (ULP) No. 266 of 2018 is decided on its own merits and strictly in accordance with law.

8. After order is dictated, Mr. D'Souza has placed on record notice dated 23.10.2023 issued by Respondent No. 12 – Chairman / Secretary Cloth Market & Shops Board which refers certain recovery proceedings. In view thereof, he seeks some relief from this Court. However, the request made by Mr. D'Souza is rejected since it is a

show-cause-notice which can be adequately replied to by the
Petitioner Company in accordance with law and the Petitioner
Company shall be free to adopt appropriate steps available to it in law.

9. With the above direction, Writ Petition is disposed.

Amberkar

[MILIND N. JADHAV, J.]

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by RAVINDRA
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