

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9668 OF 2016

Sanjay Shamrao Bhor & Ors.

... Petitioners

Versus

Pune Municipal Corporation & Ors.

... Respondents

Mr. Nitin A. Kulkarni a/w. Mr. Avinash Belge for the petitioners.
Mr. Abhijit P. Kulkarni a/w. Mr. Krushna Jaybhay, Mr. Aditya Mahadik
and Ms. Sweta Shah for respondent no. 1.

CORAM: G. S. KULKARNI, J.
DATED: 31 January 2023

P.C.

1. Heard Mr. Nitin Kulkarni, learned counsel for the petitioners and Mr. Abhijit Kulkarni, learned counsel for respondent no. 1/PMC.

2. Mr. Nitin Kulkarni, learned counsel for the petitioners has fairly stated that during the pendency of the proceedings before the Industrial Court, the petitioners came to be terminated on 19 March, 2011. He states that the termination has now been independently assailed in the proceedings which are pending before the Labour Court. By the impugned order, the complaint which was filed by the petitioners alleging unfair labour practice under Item nos. 5, 6, 9 and 10 of Schedule IV of the M.R.T.U & P.U.L.P. Act, 1971 has been dismissed. Considering these circumstances, Mr. Nitin Kulkarni has fairly stated that the petitioners will pursue their pending complaint before the

Labour Court against termination and in the event, the petitioners succeeds in the said proceedings, liberty be granted to revive the present proceedings.

3. The request as made by Mr. Nitin Kulkarni is fair. The petition is accordingly disposed of with liberty to the petitioners to revive the petition in the event the petitioners have any future cause of action after the adjudication of the pending complaint before the Industrial Court. All contentions of the parties in that regard and on the pending proceedings are expressly kept open.

4. Disposed of in above terms. No costs.

(G. S. KULKARNI, J)

Corrected as per speaking to minutes dated 13 February, 2023.