

Prajakta Vartak

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3703 OF 2017**

M/s. Hindustan Aeronautics Limited

..Petitioner

Vs.

The Assistant Labour Commissioner & Ors.

..Respondents

None for Petitioner.

Mr. N. R. Prajapati with Mr. P.S. Palshikar for Respondent Nos.1 and 2.

Mr. Amrut Vernekar for Respondent No.4.

CORAM : G.S. KULKARNI, J.

DATE : JANUARY 03, 2023

P.C.:

1. None for the petitioner. This petition was filed on 09 December, 2016. It is pending admission. It was listed before the Court on several occasions. Ultimately on 24 January, 2020, a Co-ordinate Bench of this Court adjourned the proceedings on 07 February, 2020 granting last chance to the petitioner accepting a request as made on behalf of the petitioner. Even on this backdrop, today none appears for the petitioner.

2. It appears that the cause espoused by the petitioner was in seeking a reference of an industrial dispute in view of a notice dated 07 June, 2016 issued by respondent no.4-The Hindustan Aeronautic Limited to engage operators (Fitting) and Operators (Electrical) “on tenure basis”, on permanent vacant posts.

3. By the impugned communication dated 23 August, 2016

Government of India, Ministry of Labour informed the petitioner as also respondent no.4-The Hindustan Aeronautic Limited/employer that the Ministry did not consider the dispute fit for adjudication for the following reasons:-

“Recruitment policy matter of HAL Engagement of Personnel on tenure basis is as per policy which has been implemented in other units. It states that the HAI is a Defense undertaking manufacturing the aircrafts any disruption of production will go against defense preparedness and endanger the security of the nation.”

4. Mr. Vernekar, learned counsel for respondent no.4 submits that in fact, in accordance with such policy, respondent no.4-The Hindustan Aeronautic Limited made such tenure assignments in the years 2016, 2017 and 2019. He states that the present proceeding was concerned only in relation to the notice dated 07 June, 2016, which was not only acted upon but such appointment made and exhausted, as also for the subsequent years. It is his submission that the petition is *per se* infructuous. He has also drawn the Court’s attention to the reply affidavit as filed on behalf of respondent no.4 in that regard.

5. In the aforesaid circumstances, in my opinion, it may not be possible for this Court to grant any reliefs to the petitioner. The petition is disposed of keeping open all contentions of the petitioner in the event any future cause of action arises. No costs.

[G.S. KULKARNI, J.]