

jvs

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION**

SALUNKE
J V

Digitally signed
by SALUNKE J V
Date: 2023.03.30
11:26:56 +0530

WRIT PETITION NO. 7384 OF 2022

Aviation Karmachari Sanghatana & Anr.	}	Petitioners
Versus		
Union of India & Ors.	}	Respondents

Mr. G. R. Naik i/b. G. R. Naik & Co. for the petitioners.

Mr. P. M. Palshikar with Mr. A. A. Garge for respondents 1 and 2.

**CORAM: S. V. GANGAPURWALA, Act.CJ.&
SANDEEP V. MARNE, J.**

DATE: MARCH 29, 2023

P.C.:

- 1.** The petitioners assail the order dated 29th May 2019, declining to make a reference of the industrial dispute raised by the petitioners for adjudication by the Tribunal.
- 2.** We have heard the learned counsel for the petitioners and the learned counsel for the respondents.
- 3.** The learned counsel for the petitioners places on record the order dated 7th October 2021, whereby the dispute between Mr. R. K. Mahajan and the employer is referred to the Tribunal. The same was against his termination; whereas, in the proceedings, wherein the impugned order is passed, discriminatory treatment is given to the petitioner no. 2 and wages have not been paid.
- 4.** It is submitted by the learned counsel for the petitioners that no consent was given. In fact, the other dispute was also referred to the Industrial Court.

5. We have also heard the learned advocate for the respondents. Considering the stand of the petitioners and the respondents in the subsequent proceedings so also the more specific stand of the petitioners that no consent was given for disposing of the said proceedings, we set aside the impugned order dated 29th May 2019 and remit the matter back to the Conciliation Officer & Deputy Chief Labour Commissioner (Central), Mumbai for reconsideration.

6. The writ petition is disposed of. No costs.

(SANDEEP V. MARNE, J.)

(ACTING CHIEF JUSTICE)