



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

9 WRIT PETITION NO. 15535 OF 2023

LATUR DISTRICT SUGAR LABOUR UNION BRANCH  
THROUGH ITS VICE PRESIDENT GOVIND SUDHAKAR  
SAWANT

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS  
SECRETARY AND OTHERS

Advocate for the Petitioner : Mr.G.O. Wattamwar i/by Mr.  
Bangar Ravi R.

AGP for Respondents 1 to 3/State : Mr. R.S. Wani

Advocate for Respondent 4 : Mr. V.R. Dhorde

Advocate for Respondent 6 : Mr. A.N. Irpatgire i/by Mr.S.G.  
Rudrawar

CORAM : RAVINDRA V. GHUGE

&

Y. G. KHOBRAGADE, JJ.

DATE :- 22<sup>nd</sup> January, 2024

Per Court :-

*certified copy of the registration certificate of the Union, as well as, a certified copy of the Constitution of the Trade Union, along with a short affidavit, on or before 17/01/2024.*

3. *List this Writ Petition in the 'urgent orders' category on 22/01/2024."*

2. It is apparent that the constitution of the Union was accepted by the Registrar, Trade Unions, while granting the registration to the Petitioner Union on 15.12.1975. However, a vital aspect has been missed from the constitution pertaining to the "Union being represented and defended by an office bearer, in any case/litigation". Hence, the Union passed the resolution empowering the Vice President to represent the Union in the litigation.

3. The learned Advocate for the Petitioner submits that Respondent No.4 Bank be directed to consider the communication dated 11.10.2023 addressed by the Regional Joint Director of Sugar, Nanded.

4. The learned Advocate representing the Bank submits that the immovable properties of the Sugar Factory have been mortgaged to the Bank and the Bank is a secured creditor.

5. The Petitioner apprehends that Respondent Nos.5

and 6, both Sugar Factories, are likely to arrive at a mutual understanding, which would jeopardize the rights of the workers, who are members of the Petitioner Union.

6. We find that several disputed issues are being raised by the Petitioner Union vis-a-vis their employer and that too on their apprehension that two Sugar Factories are likely to mutually agree for lease agreement with Respondent No.4 and this is likely to prejudice the rights of the Petitioner Union.

7. A Writ of Mandamus should not be issued on a mere apprehension. Moreover, the Maharashtra Industrial Relations Act (erstwhile the Bombay Relations Act) or any other provision or enactment, as may be in vogue, would give enough scope to the Petitioner Union to approach an appropriate Government or Labour/ Industrial Court, if there is any violation of the standing orders, custom, practice and usage, prevalent in the Sugar Factory. If any change in the service conditions occurs at the behest of the employer, the Petitioner can certainly raise a ground of change in service conditions under Section 42 and approach an appropriate Authority.

8. Needless to state, such proceedings would require recording of oral and documentary evidence in order to establish

that the service conditions are being modified unilaterally and that too causing prejudice to the interest of the workers. So also, long standing custom, practice and usage will have to be proved by recording of evidence.

9. Keeping the above aspects open and with liberty to the Petitioner Union to raise all grounds, before the appropriate Court/ forum, if the cause of action arises, **this Writ Petition is disposed off.**

*kps*

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)