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

WRIT PETITION NO.170 OF 2024

Sanjaykumar Annasaheb Chavan & Ors. ... Petitioners

V/s.

Manugraph Employees Association,
Unit-1 & Anr. ... Respondents

Mr. Dheeraj Patil for the petitioners.

Mr. Sandiip S. Mutaliik, for Respondents.

CORAM : AMIT BORKAR, J.

DATED : JANUARY 12, 2024

P.C.:

1. The petitioners/employees are challenging the order passed by the Industrial Court rejecting their application to implead them as party to the Complaint (ULP) No.120 of 2019.
2. According to the petitioner, they were working with respondent No.2/company for more than 35 years. On 26 July 2018, the respondent No.2/company issued voluntary retirement scheme for employees above age of 55 years. On 15 November 2019, the respondent No.2/company passed an order of retirement of 121 employees. The petitioners are some of the employees amongst 121 employees.
3. The respondent No.1/union filed Complaint (ULP) No.120 of 2019 challenging the action of respondent No.2/company.

4. On 23 November 2023, the petitioners filed an application to implead themselves as complainants in the complaint. The Industrial Court by the impugned order rejected the application.

5. Learned advocate for the petitioners submitted that considering the previous experience, the union may not bonafidely prosecute the cause of employees and, therefore, the petitioners need to be joined as complainants. The union has compensate the employees and contending that the union is diligently pursuing cause of employees and this Court has already expedited the hearing of the complaint and accordingly the hearing in the complaint has taken place.

6. Considering the scheme under the M.R.T.U & P.U.L.P. Act, 1971, it is open for an individual employee to file a complaint challenging his termination without his cause being taken up by the union unlike Industrial Disputes Act, 1947. It was, therefore, open for the petitioners to challenge the action of termination of service of petitioner by filing independent complaint. However, petitioners failed to file such complaint. No material is placed on record that the Industrial Court to indicate that the union is not prosecuting the cause of employees diligently complainant being *dominus litis* and considering the interest of other employees, addition of petitioners as complainants at this stage, would embarrass the trial as the union will be represented by independent Advocate and the petitioners cause will be represented by separate Advocate, which course is not permissible. Therefore, in my opinion, there is no legal infirmity in the order passed by the Industrial Court.

7. The writ petition is, therefore, dismissed.

(AMIT BORKAR, J.)