

VRJ

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

WRIT PETITION NO.2347 OF 2020

VAIBHAV
RAMESH
JADHAV
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VAIBHAV RAMESH
JADHAV
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Sarva Shramik Sangh	
Through Its General Secretary	... Petitioner
V/s.	
Bharat Forge Ltd.	... Respondent

Mr. Nitin A. Kulkarni for the petitioner.

Mr. J. P. Cama with Mr. Varun Joshi, Mr. Rama Somani
for the respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 8, 2024

P.C.:

1. The Industrial Court, Satara by order dated 31st October 2018 rejected the reference of the petitioner unrecognized union on the ground that bar contained under section 36 of the Industrial Disputes Act, 1947.

2. Position of law in this regard cannot be disputed due to existence of recognized union. It is, therefore, in the interest of justice that the reference is revived with direction to the Industrial Court to issue notice to the recognized union to decide whether represent the petitioner's cause. Hence, following order:

a) The impugned order rejecting reference on the ground of being represented by unrecognized union is quashed and

set aside.

b) The reference is revived before the Industrial Court.

c) The Industrial Court shall issue notice to the recognized union to decide whether it is ready to represent the petitioner's cause and accordingly decide the reference on merits.

3. If the recognized union refuses to represent the cause, the Industrial Court shall decide said issue in accordance with law.

4. Exercise of deciding issue of representation of the petitioner shall be completed within three months from today.

5. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)