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

WRIT PETITION NO.5920 OF 2024

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Maass Flange India Pvt. Ltd., now
known as Wilhelm Masses India Ltd. ... Petitioner

V/s.

Shivgarjana Kamgar Sanghtana ... Respondent

Mr. Kiran S. Bapat, Senior Advocate i/by Mr. Gaurav
Gawande for the petitioner.

Mr. G.R. Naik with Mr. Uresh U. Sawant i/bny M/s.
G.R. Naik & Co., for the respondent – Union.

CORAM : AMIT BORKAR, J.

DATED : MAY 2, 2024

PC.:

- 1. Rule.** Rule is made returnable forthwith.
- Challenge in this writ petition is to the order dated 4 March 2024 passed by the Industrial Tribunal arising out of Reference (IT) No.4 of 2023 thereby directing the petitioner to give interim wage rise of Rs.6,000/- per month to the members of the second party Union since 1 March 2024 till the final disposal of the case.
- Mr. Bapat, learned Senior Advocate on behalf of the petitioner invited my attention to various factors relevant for adjudication of the issue involved regarding wage rise. However,

according to him the Tribunal has taken into consideration some of the relevant factors and not other factors and, therefore, the decision-making process to arrive at conclusion suffers from legal infirmity.

4. Per contra, learned advocate for the Union submitted that the Tribunal has taken into consideration all relevant factors and have recorded a finding based on settlement arrived at between the parties which expired in the year 2021.

5. On perusal of the impugned order, it appears that the Tribunal has referred submissions made on behalf of the parties. However, in paragraph 16 of the order the Tribunal has taken into consideration earlier settlement expired in October 2021 along with comparative inflation rate for the year 2021 to 2023 as the factor for grant of interim wage rise. The petitioner is justified in contending that all relevant factors which have been held to be relevant for adjudication of the interim wage rise have not at all been considered by the Tribunal, though material in relation thereto was placed on record of the Industrial Tribunal.

6. Therefore, in my opinion the Industrial Tribunal ought to have considered all relevant factors for arriving at conclusion of interim wage rise. Hence, the decision-making process to arrive at conclusion suffers from legal infirmity. Hence, following order:

a) The impugned order dated 4 March 2024 passed by the Presiding Officer, Industrial Tribunal, Pune in Reference No.4 of 2023 is quashed and set aside;

- b) Interim Application No.U-10 is restored to the file of the Industrial Tribunal;
 - c) The parties shall appear before the Industrial Tribunal on 9 May 2024 at 10.30 a.m.;
 - d) The Tribunal shall fix a suitable date for hearing of Application below Exhibit U-10 and after giving opportunity of hearing to both sides shall decide the same within four weeks from the date of appearance of the parties;
 - e) Considering the facts of the case, the Industrial Tribunal shall consider deciding reference finally as expeditiously as possible.
7. The writ petition stands disposed of in above terms. No costs.

(AMIT BORKAR, J.)