

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

WRIT PETITION NO. 12849 OF 2022

Pandurang Genbhau Bhojane & Ors. ...Petitioners

Versus

M/s. Eagle Flask Industries Ltd. & Ors. ...Respondents

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Mr. Ramesh L. Majgaonkar for the Petitioners.

Mr.Dhananjay Bhanage for Respondent Nos. 1 and 2.

Ms.Nisha Mehra, AGP for the Respondent -State.

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**CORAM : NITIN JAMDAR AND
M.M.SATHAYE, JJ.**

DATE : 17 APRIL 2024

P.C. :

. The Petitioners, the erstwhile employees of Respondent No.2- Eagle Flask Industries Pvt. Ltd, have filed this petition for a direction to Respondent No.3- the Deputy Labour Commissioner, Mumbai to declare lock-out/ closure of Respondent No.2- Eagle Flask Industries Pvt. Ltd. as illegal and Respondent No.3- the Deputy Labour Commissioner should carry out afresh enquiry and submit a report. Thereafter, a direction is also sought against Respondent Nos. 1 and 2 to calculate the amount and release dues of Rs.3,18,40,419/- to the Petitioners.

2. The Petitioners have relied upon an information supplied to them on 14 March 2012 that application under Section 25 (o) of the Industrial Disputes Act, 1947 made by Respondent Nos. 1 and 2 is not found in the record of the Labour Commissioner.

3. In essence, what the Petitioners seek is that the closure of Respondent No.2- Eagle Flask Industries Pvt. Ltd. be declared as illegal, the matter needs to be reopened and the dues be paid.

4. A detailed affidavit in reply has been filed by Respondent Nos. 1 and 2. The learned Counsel for Respondent Nos. 1 and 2 points that all the procedures before closure were followed and the settlement had arrived at between the Unions including all the workmen. The learned Counsel states that despite having received the amount and knowing that the settlement was of voluntary separation with effect from 31 March 2003 and was duly accepted by more than 90% of the workmen, the Petitioners filed complaints before the Industrial Court, Pune under the provisions of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (M.R.T.P and P.U.L.P. Act). The said complaints were dismissed on 1 September 2014. Being aggrieved by the order dated 1 September 2014, the Petitioners had filed separate Writ Petitions bearing Nos. 1512 of 2015, 750 of 2015, 751 of 2015, 752 of 2015, 753 of 2015 and 1510 of 2014 in this Court, which were dismissed by judgment and order dated 7 August 2015.

Thereafter, the Special Leave Petition was preferred, which was dismissed on 18 January 2016. The learned Counsel further points out that not only the factory is closed, but dues have been settled and only for some part of the property, a public notice was given by Respondent No.2- Eagle Flask Industries Pvt. Ltd and the Petitioners have no concern. Further settlement had taken place in the year 2005-2006 pursuant to which Respondent No.2- Eagle Flask Industries Pvt. Ltd was closed. All these documents and orders are on record by way of reply.

5. Having considered the orders passed and after all these proceedings are completed, a simpliciter direction to declare lock-out/ closure of Respondent No.2- Eagle Flask Industries Pvt. Ltd. as illegal by this petition filed in the year 2022 cannot be issued. This aspect had already been settled by the orders of the Court and confirmed by the Hon'ble Supreme Court on the petitions of the Petitioners themselves.

6. Writ Petition is accordingly dismissed.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)