

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 829 OF 2024

MRVC Contract Employees Union

...Petitioner

Versus

Mumbai Railway Vikas Corporation And Anr.

...Respondents

Mr. R.D. Bhat, for Petitioner.

Mr. Devang Vyas, Addl. Solicitor General a/w. Mr. Y.R. Mishra, Mr. R.R. Shetty and Mr. D.P. Singh, for Respondent No.2.

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

DATE : 21 MARCH 2024

P.C.:

. Heard learned counsel for the parties.

2. This petition is filed by the employees' Union of Respondent No.1- Mumbai Railway Vikas Corporation. Their primary grievance with which they have approached this Court is the non availability of an appropriate forum. It is their contention that though a reference is made to Central Government Industrial Tribunal in the year 2018, the Central Government Industrial Tribunal at Mumbai is not functional and therefore the reference be transferred to any Industrial Tribunal at Mumbai set up by Government of Maharashtra.

3. Considering the fact that the Central Government Industrial Tribunal at Mumbai is not functional for considerable period of time, we had requested the learned Additional Solicitor General to look into the issue. Learned Additional Solicitor General appeared on 7 March 2024 and sought time till today.

4. The learned Additional Solicitor General placed on record two notifications are issued on 20 March 2024 by the Government of India which read thus:

“(To be published in the Gazette of India Part-II, Sec.3(ii))

*Government of India
Ministry of Labour and Employment*

New Delhi, dated 20th March, 2024

NOTIFICATION

No.A-11016/05/2021-CLS-II(E): *The President is pleased to entrust the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court No. 1/National Industrial Tribunal, Mumbai to Justice (Retd.) Vikas Kunvar Srivastav, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court No.1, Delhi for a period of six months with effect from the date of assumption of charge or till the post is filled on regular basis or until further orders, whichever is the earliest.*

Sd/-

(Dhananjay Sharma)

Under Secretary to the Government of India

New Delhi, dated 20th March, 2024
NOTIFICATION

No.A-11016/05/2021-CLS-II(E): *The President is pleased to entrust the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai to Shri Radha Mohan Chaturvedi, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Jaipur for a period of six months with effect from the date of assumption of charge or till the post is filled on regular basis or until further orders, whichever is the earliest.*

Sd/-
(Dhananjay Sharma)
Under Secretary to the Government of India”

5. Learned counsel for the Petitioner submitted that these notifications are only a stop gap arrangements and since the Presiding Officers are at Delhi and Jaipur, it would be difficult for them to regularly take up the matters at Mumbai and reiterates request for transfer. Learned Additional Solicitor General informs us that the process of appointing the regular Presiding Officer at Mumbai is being undertaken and it would take some time. Therefore, in the meanwhile, for the period of six months the above arrangement is made.

6. While we note that the process would take some time and that alternate arrangement is being made, the fact remains that the learned Presiding Officers are stationed at Delhi and Jaipur and logistically it would be difficult for them to regularly attend the

Tribunal at Mumbai.

7. Considering that many Courts and Tribunals in the country have introduced hearing on video conferencing/hybrid mode, there is no reason why the Central Government Industrial Tribunal should not adopt to this technological change more particularly in the present facts and situation where the Presiding Officers will have to travel from Delhi and Jaipur. We hope and trust that concerned Ministry would provide and set up the facility of video conferencing for the litigants for the Tribunal at Mumbai at least to start with. This would not only save time and costs for the litigants but also that of the Presiding Officers and the government.

8. With these observations writ petition is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)