

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

WRIT PETITION NO. 2521 OF 2024

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1. CEAT Ltd.
& 2 Ors.

.. Petitioners

Versus

Ashok Chintaman Sakpal

...Respondent

WITH
WRIT PETITION NO. 2571 OF 2024
WITH
WRIT PETITION (L.) NO. 7837 OF 2024
WITH
WRIT PETITION (L.) NO. 7838 OF 2024
WITH
WRIT PETITION (L.) NO. 7839 OF 2024
WITH
WRIT PETITION (L.) NO. 7842 OF 2024
WITH
WRIT PETITION (L.) NO. 7845 OF 2024
WITH
WRIT PETITION (L.) NO. 7846 OF 2024
WITH
WRIT PETITION (L.) NO. 7847 OF 2024
WITH
WRIT PETITION (L.) NO. 7848 OF 2024
WITH
WRIT PETITION NO. 2537 OF 2024
WITH
WRIT PETITION (L.) NO. 7851 OF 2024
WITH
WRIT PETITION (L.) NO. 7853 OF 2024
WITH
WRIT PETITION (L.) NO. 7854 OF 2024
WITH
WRIT PETITION NO. 1536 OF 2024
WITH

WRIT PETITION NO. 1550 OF 2024
WITH
WRIT PETITION NO. 2609 OF 2024
WITH
WRIT PETITION (L.) NO. 7864 OF 2024
WITH
WRIT PETITION (L.) NO. 7865 OF 2024

Mr. Anand Pai a/w. *Mr. Netaji Gawde i/b M/s. Sanjay Udeshi & Co.,
Advocate for Petitioners.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : June 19, 2024

P C :

1. These petitions challenge various orders of the Industrial Court, Mumbai (as an example, order dated 23rd August, 2023 in Writ Petition 2521 of 2024) [***Impugned Orders***], effectively holding that the Petitioners had indulged in an unfair labour practice. According to the Impugned Orders, the settlement arrived at between the Petitioners and the Recognized Union at the factory premises situated at Bhandup constitutes an act of contracting out of the statutory entitlements of the workmen.

2. Learned Counsel for the Petitioners has taken this Court through

the terms of the settlement with the Recognized Union, and draws the attention of this Court, in particular, to Clause 7, by which, he confirms that the workmen who had been laid off were not only entitled to 50% of wages for those days, but were also entitled to accumulate those days as privileged leave dates. He submits that it is for this reason that the Recognized Union representing a majority of over 1000 workmen have agreed to the terms of the settlement, and have accepted the terms of the lay-off, to enable maintenance activity to be carried out at the said factory.

3. As it transpires, 19 workmen have agitated that their statutory rights have been trampled upon and the Impugned Orders agree with their contention.

4. The monetary impact of the Impugned Orders is that the Petitioner would need to pay 50% of the wages due to the 19 complaining workmen within a period of two months from the receipt of the Impugned Orders. In these circumstances, the interests of justice would be met and equities would be balanced, if a cumulative amount of Rs.5,00,000/- is deposited in this Court by the Petitioners, within a period of one week from today. Pending final hearing and disposal of these petitions, the Impugned Orders shall not be executed.

5. Since the petition raises an important question of law, one would need to hear the Respondents as well. The aforesaid *pro tem* arrangement is passed to adjust equities pending the eventual hearing and disposal of these Writ Petitions, without expressing any opinion on the merits of the matter.

6. Some of the workmen who are present in-person seek time to be able to get legal representation and enter appearance. The Petitioners are directed to serve the petitions on each of the Respondents if not already served, and to file service affidavits to that effect. The Respondents-workmen are given six weeks time to engage appropriate legal counsel to represent their interests.

7. Stand over to **16th August, 2024.**

8. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

[SOMASEKHAR SUNDARESAN, J.]