

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

WRIT PETITION NO. 3278 OF 2024

Transport & Dock Workers Union .Petitioner

Versus

M/s. Meridian Tradeplace Pvt. Ltd. .Respondent

Mr. Susheel Mahadeshwar a/w. Ms. Ranjana Todankar,
Advocate, for the Petitioner

Mr. Avinash Jalisatgi a/w. Mr. T. R. Yadav, Mr. Nitin
Salunkhe & Ms. Divya Wadekar, Advocate, for the
Respondent

CORAM : MADHAV J. JAMDAR, J.

DATE : 18.09.2024

P. C.

1. By the present Writ Petition filed under Article 226 of the Constitution of India, the Petitioner - Transport & Dock Workers Union has challenged the Order dated 08.05.2024 passed by the learned Member, Industrial Court, Mumbai in Complaint (ULP) No. 205 of 2024 below Exhibit U-2 in an Application filed by the Petitioner seeking interim relief which was rejected.

2. This matter was heard from time to time. Today, both the learned counsel submitted that there is a possibility of a

Resolution of the dispute between the parties, insofar as the Interim Relief Application filed in the said complaint is concerned.

3. Accordingly, both the parties have prepared the Consent Minutes of Order. The said Consent Minutes of Order are signed by both the learned counsel for the respective parties for the purpose of identification. The said Consent Minutes of Order are taken on record and marked as “X” for the purpose of identification. The said Consent Minutes of Order reads as under :-

“CONSENT MINUTES OF ORDER

1. *The 31 workers concerned with the Petition and whose names are listed at Exhibit-F, page no. 113 to the petition will be engaged by the Respondent Company with effect from October 1, 2024.*
2. *Without prejudice to the rights and contentions of the parties, the Respondent is ready and willing to provide work to the concerned 31 workers, work on Jawaharlal Nehru Port Authority (JNPA) Area to nearby CFS and vice versa. If any work becomes available at Mumbai Port Trust to JNPA and vice versa, the concerned 31 workers may be engaged in the discretion of the management. However, the 31 workers will not be deprived of work or discriminated, by giving work to*

the temporary workers. The workers concerned shall perform the work as may be assigned to them from time to time as per the Roster.

3. *The transfer orders issued to the 31 workers concerned with the Petition and whose names are listed at Exhibit-F, page no. 113 to the petition stands withdrawn. The disciplinary action initiated against the said workers also stands withdrawn.*
4. *The impugned order dated May 8, 2024 passed by the Industrial Court, Mumbai in Complaint (ULP) No. 205 of 2024 is set aside.*
5. *The claim of the 31 workers concerned with the petition to the wages for the period from the date of the transfer to the date they rejoin duty shall be subject to the outcome of Complaint (ULP) No. 205 of 2024.”*

4. Accordingly, the Application seeking interim relief filed in Complaint (ULP) No. 205 of 2024 below Exhibit U-2 stands disposed of in above terms.

5. It is clarified that the dispute with respect to wages for the period from the date of transfer till 30.09.2024 will be decided by the learned Member, Industrial Court, Mumbai, along with other issues and the same will be subject to the result of the Complaint (ULP) No. 205 of

2024.

6. Accordingly, the Writ Petition stands disposed of in terms of the Consent Minutes of Order with no order as to costs.

[MADHAV J. JAMDAR, J.]