

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

**INTERIM APPLICATION NO. 2609 OF 2024
IN
WRIT PETITION (L) NO. 19698 OF 2021**

Gohil Kanta Ashok ... Applicant
versus
Brihanmumbai Municipal Corporation
of Gr. Mumbai and Others ... Respondents

**WITH
INTERIM APPLICATION NO. 2494 OF 2024
IN
WRIT PETITION (L) NO. 20013 OF 2021**

Pradnesh Milind Jadhav ... Applicant
versus
Brihanmumbai Municipal Corporation
of Gr. Mumbai and Others ... Respondents

**WITH
INTERIM APPLICATION NO. 2502 OF 2024
IN
WRIT PETITION (L) NO. 17629 OF 2021**

Ramesh Narayan Gilatkar ... Applicant
versus
Brihanmumbai Municipal Corporation
of Gr. Mumbai and Others ... Respondents

**WITH
INTERIM APPLICATION NO. 2673 OF 2024
IN
WRIT PETITION (L) NO. 19701 OF 2021**

Jaya Shankar Palkar ... Applicant
versus
Brihanmumbai Municipal Corporation
of Gr. Mumbai and Others ... Respondents

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Ms.Reshma Ravi i/b. K.P.Ravi and Co. for the Applicants/ Petitioners in all Interim Applications.

Ms.Shilpa Redkar for the Respondent – Municipal Corporation.

Smt.Vaishali Choudhari, Addl.GP for Respondent No. 4 -State in IA No.2609 of 2024.

Smt.Lavina Kriplani, AGP for Respondent No.4-State in IA No. 2494 of 2024.

Mr.Manish Gawade, AGP for Respondent No.4-State in IA No.2502 of 2024.

Ms.Vrushali Kabre, AGP for Respondent No. 4-State in IANo. 2673 of 2024.

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CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 13TH DECEMBER, 2024

P.C.:

1. The Writ Petitions were dismissed for non-removal of office objections, after notice before admission was issued.

2. By these Interim Applications, the Petitioners pray that the delay be condoned, the Writ Petitions be restored and as the Corporation has raised an issue as to whether these Writ Petitions are maintainable or whether a ULP complaint under Item 1 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair

Labour Practices Act, 1971 (the Act of 1971) is maintainable, that the Petitioners pray that the Writ Petitions be admitted for a decision on whether this Court would have jurisdiction or whether the termination needs to be questioned and scrutinized before the Labour Court.

3. The learned Advocate for the Corporation has vehemently opposed the restoration of the Writ Petitions on the ground that there is a delay caused, the Writ Petitions were dismissed for default and ULP complaints before the Labour Court under the Act of 1971 or an industrial dispute under Section 2A of the Industrial Disputes Act, 1947 (the Act of 1947), would be an appropriate remedy.

4. We repeatedly asked the learned Advocate for the Petitioners as to whether they can approach the Labour Court, the learned Advocate for the Petitioners reiterated that these Writ Petitions be restored and the Writ Petitions be admitted by issuing Rule, initially to decide the issue of maintainability.

5. In view of the above and since the delay is not too large, **these Interim Applications are allowed.** The Writ Petitions are restored with liberty to remove the office objections, on or before 10th January, 2025.

6. Considering insistence of the Petitioners that they do not desire to approach the Labour Court and that this Court should admit these Petitions to first decide whether the Writ Petitions should be entertained, **Rule.** Respective Advocates waive service on Rule for the Respondents. Let the pleadings be completed.

(ASHWIN D. BHOBE,J.)

(RAVINDRA V. GHUGE, J.)