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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7633 OF 2025

Sachin Ramchandra Khamkar and Ors. .. Petitioners

Versus

Raymond Luxury Cottons Ltd.
Through Plant Head / General Head .. Respondent

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- Mr. Sandeep Koregave a/w. Ms. Pallavi A. Karanjkar, Advocates for Petitioners.
 - Mr. S.K. Talsania, Senior Advocate a/w. R.V. Paranjapee and T.R. Yadav, Advocates for Respondent No.1.
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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 25, 2025.

P.C.:

- 1.** Heard Mr. Koregave, learned Advocate for Petitioners and Mr. Talsania, learned Senior Advocate for Respondent No.1.
- 2.** On 18.06.2025, after hearing Mr. Koregave, the following order was passed:-

“1. Heard Mr. Koregave, learned Advocate for Petitioners.

2. The impugned order in the present Writ Petition, inter alia, pertains to transfer of 25 Petitioners – Employees of Respondent – Company who were working with the Respondent – Company in its Kolhapur plant for the past 9 years.

3. According to Mr. Koregave, transfer orders appended at page Nos.387 of the Petition onwards have been effected only in respect of 25 employees who were agitating for their permanency rights since one year prior to the issuance of transfer orders. In that regard, Petitioners had also approached the Labour Court by filing ULP Complaint appended at page No.77 – Exhibit “B” to the Petition. He would submit that substantial negotiations had taken place between the Petitioners and the Government Labour Officers including representative of

Respondent – Company, inter alia, with respect to the issue of permanency of the 25 Petitioners, however in the interregnum on 24.03.2025 identical transfer orders were issued in respect of Petitioners. He would submit that transfer orders were immediately challenged by Petitioners before the Industrial Court and the Industrial Court by impugned order dated 02.05.2025 rejected the Application for interim relief.

4. He would submit that the principal ULP Complaint No.26 of 2025 is still pending before the Industrial Court, Kolhapur. As against rejection of interim relief and necessity of Petitioners to relocate themselves from Kolhapur to Jalgaon having been rejected the Petitioners filed the present Writ Petition before the impending May vacation in this Court. He would submit that Petitioners moved the vacation bench also, but circulation was not granted on the ground of urgency. He would submit that since no interim relief was granted, Petitioners did not want to be in violation of transfer orders lest it would affect the livelihood of Petitioners as also their job prospects, hence Petitioners decided to join the Jalgaon Unit as per transfer orders without prejudice to their rights and contentions and under protest. He would persuade the Court to consider the fact that all 25 Petitioners are natives of Kolhapur and they had to relocate themselves by leaving their families and children behind in Kolhapur at the eleventh hour and join the Jalgaon Unit of Respondent – Company on transfer. He would submit that there are 600 workers working in the Kolhapur Unit.

5. Mr. Koregave would submit that even at the time of joining and after joining the Jalgaon Unit, Petitioners are facing severe problems at the hands of the Management including that of harassment. Be that as it may, an arguable case has been made out by Mr. Koregave for issuance of notice in the present case.

6. Hence, issue notice to Respondent. Humdast permitted.

7. In addition to Court notice, Petitioners are permitted to serve copy of Writ Petition and this order on the Respondent and inform it about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

8. After receiving notice, Respondent is directed to take cognizance of this order and file its Affidavit-in-Reply on or before the next date, if so desired.

9. Respondent is directed to remain present in Court on the next adjourned date through its representative or through Advocate and answer the present Writ Petition.

10. On the next adjourned date, after hearing Respondent – Company, appropriate orders will be passed.

11. Stand over to 25th June 2025. To be listed under the caption 'For Circulation'."

3. Today, Mr. Talsania, learned Senior Advocate appearing on behalf of Respondent has placed on record order passed below Exhibit “U-01” in pending Complaint (ULP) No.26 of 2025 wherein on 24.06.2025 it has been recorded that 21 out of the 25 Petitioners before me have withdrawn their original complaint and their Complaint (ULP) case is disposed. The said order dated 24.06.2025 is taken on record and marked “X” for identification.

4. Mr. Koregave is apprised of the said order and would submit that he has instructions about the said order which was passed on 24.06.2025 after passing of the order dated 18.06.2025. He would submit that 4 out of the 25 workmen are still prosecuting the Original Complaint (ULP) No.26 of 2025 which is pending before the Member, Industrial Court No.02, Kolhapur.

5. After perusing the record and reasoning with the learned Advocates appearing at the bar, this Court is of the opinion that at the threshold rather than this Court determining the dispute in the first instance in the present Petition, since principal (ULP) Complaint of the 4 workmen is pending before the Industrial Court, it would be in the fitness of things to pass appropriate directions to the concerned Industrial Court to determine the pending Complaint (ULP) No.26 of 2025 expeditiously and strictly in accordance with law.

6. Hence, without delineating any opinion on merits of the matter, it is directed that in so far as Petitioner Nos.1, 5, 8 and 18 are concerned, pending Complaint (ULP) No.26 of 2025 pending at their behest in the Industrial Court No.02, Kolhapur shall be determined by the said Court as expeditiously as possible and in any event within a period of 6 months from today.

7. All contentions of the parties are expressly kept open.

8. Needless to state that the pending Complaint (ULP) shall be heard and decided on its own merits and shall not be influenced by any of the observations and findings returned in the previous order and this order and strictly in accordance with law.

9. Writ Petition is disposed in the above terms.

[MILIND N. JADHAV, J.]

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