

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 1485 OF 2025
WITH
WRIT PETITION NO. 1488 OF 2025**

Sakal Media Pvt Ltd

... **Petitioner**

Versus

All India Media Employees Association

... **Respondent**

Mr. Amit Patil *a/w Ms. Shrishti M. i/b Parinam Law Associates for the Petitioner.*

CORAM : SANDEEP V. MARNE, J.

DATE : 3 FEBRUARY 2025.

P.C. :

1) These Petitions challenge Judgments and Orders dated 2 August 2024 passed by the Member Industrial Court, Thane allowing the Revisions filed by the Respondent-Unions and holding that Complaints of unfair labour practice filed by the Respondent-Unions are maintainable. The Industrial Court has accordingly set aside the orders dated 3 February 2022 passed by the 4th Labour Court, Thane and has remanded the Complaints for decision on merits before the Labour Court.

2) I have heard Mr. Patil, the learned counsel appearing for the Petitioner and have considered the submissions canvassed by him. There is no dispute to the position that the concerned workers are not employed through a third party contractor. Petitioner

appears to be the direct employer of the concerned workmen. Therefore, employer-employee relationship is not disputed. What is disputed is the nature of appointment and rights flowing therefrom. Therefore, the artificial dispute that was sought to be created by the Petitioner about existence of employer-employee relationship was totally mischievous. So long as the Petitioner has directly appointed the concerned workers, no dispute with regard to existence of employer-employee relationship could have been raised. Such dispute relating to existence of employer-employee relationship arises only where the concerned workmen are employed through a third party contractor. In absence of a third party contractor, it cannot be contended that there is no employer-employee relationship between the Petitioner and the concerned workmen. Whether the concerned workmen are entitled to succeed in respect of their claim in the complaints is an altogether different matter. However, to expect that the workmen and their union must first seek a declaration of existence of employer-employee relationship by moving a machinery under the provisions of Industrial Disputes Act, 1947 is something, which cannot be countenanced in the facts of the present case, where Petitioner is the actual employer of the concerned workmen.

3) I therefore do not find any reason to interfere in the order passed by the Industrial Court.

4) Writ Petitions being devoid of merits are accordingly **dismissed**.

[SANDEEP V. MARNE, J.]