

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

WRIT PETITION NO. 5325 OF 2025

The Hospital Kamgar Sanghatana
Ruby Hall Clinic & Ors..

... Petitioner

Versus

Sunil Babu Rajput & Ors.

... Respondents.

Mr. Kiran Bapat, Senior Advocate a/w. Mr. Avinash Joshi, Advocate for the Petitioner.

Mr. A.S. Rao, Advocate for Respondent Nos. 1 to 14.

Mr. S.R. Nargolkar a/w. Ms. Neeta Patil & Mr. Sanket Chandane, Advocate for Respondent No. 15.

Ms. D.S. Deshmukh, AGP for Respondent No. 16/State.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 30th APRIL, 2025

P.C. :

1. This matter was heard for quite some time on 28th April, 2025. After considering the submissions of the learned Senior Advocate for the Petitioner, the learned Advocates appearing on behalf of Respondent Nos. 1 to 14 and Respondent No. 15, along with the submissions of the learned AGP, we granted a pass over to the learned AGP to take instructions.

2. Today, the learned AGP submits that the Deputy Registrar, Trade Unions, Ex-Officio Assistant Commissioner, Labour is on a pre-approved leave for 7 days. Hence, the Government Labour Officer is present in the court.

3. The learned Advocate appearing for the individual members of the Union (Respondent Nos. 1 to 14) submits that the covering letter of Shri Ajay Bhosale, who is neither a member of the Petitioner recognised union, nor associated with it in any way as per the provisions of Trade Unions Act, 1926, would be withdrawn and the aggrieved individual members of the Union would tender a comprehensive list of complaints to the Deputy Registrar, Trade Unions in the form prescribed under the provisions of the Trade Unions Act.

4. The learned AGP assures that as soon as the Deputy Registrar receives the grievance letter of these workers, she would proceed as per the procedure laid down under the Trade Unions Act and would initiate a hearing on the said complaint. While discharging an administrative function, the officer would assess whether a dispute is made out by the aggrieved members and if convinced, would issue a consent letter u/s 28(1-A) of the Trade Unions Act. This would be done

after giving a reasonable opportunity of hearing to all the stakeholders and preferably within 45 days. All contentions of the stakeholders are kept open.

5. In view of the above directions and statement, **this Petition is disposed off**. Needless to state, the impugned Consent Certificate dated 21.3.2024 stands set aside.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)