

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

**WRIT PETITION NO. 7557 OF 2024
WITH
WRIT PETITION NO. 7717 OF 2024
WITH
WRIT PETITION NO. 7718 OF 2024
WITH
WRIT PETITION NO. 7719 OF 2024
WITH
WRIT PETITION NO. 7729 OF 2024
WITH
WRIT PETITION NO. 10766 OF 2024
WITH
WRIT PETITION NO. 10767 OF 2024
WITH
WRIT PETITION NO. 10769 OF 2024
WITH
WRIT PETITION NO. 11531 OF 2024
WITH
WRIT PETITION NO. 11532 OF 2024
WITH
WRIT PETITION NO. 11533 OF 2024
WITH
WRIT PETITION NO. 11732 OF 2024
WITH
WRIT PETITION NO. 11733 OF 2024
WITH
WRIT PETITION NO. 11735 OF 2024
WITH
WRIT PETITION NO. 11737 OF 2024
WITH
WRIT PETITION NO. 12042 OF 2024
WITH
WRIT PETITION NO. 7558 OF 2024
WITH
WRIT PETITION NO. 3397 OF 2025**

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M.B. Sugars And
Pharmaceuticals Pvt Ltd

... Petitioner

Versus

Ministry of Labour And
Employment Throu. Govt
Labour Office And Ors.

... Respondents

Mr. Pritesh Burad and *Mrs. Madhuri Gamre i/b Pritesh Burad Associates for the Petitioner.*

Ms. Sudha Baharadwaj for Respondent No.2.

Mr. Y.D. Patil, AGP for Respondent/State in WP/7557/2024, WP/7717/2024, WP/7718/2024, WP/7719/2024, WP/7729/2024, WP/10767/2024, WP/10769/2024.

Ms. Snehal S. Jadhav, AGP for Respondent-State in WP/10766/2024, WP/11531/2024.

Mr. S. D. Rayrikar, AGP for Respondent-State in WP/11532/2024.

Mr. Hamid Mulla, AGP for Respondent-State in WP/11533/2024.

Ms. A.A. Nadkarni, AGP for Respondent/State in WP/11732/2024.

Mrs. Vaishali S. Nimbalkar, AGP for Respondent-State in WP/11733/2024.

Mr. R.S. Pawar, AGP for Respondent-State in WP/11735/2024.

Mr. J.P. Patil, AGP for Respondent-State in WP/11737/2024.

Mr. A.I. Patel, Addl. GP. a/w Mrs. M.S. Bane, AGP for Respondent-State in WP/12042/2024.

Mrs. S.A. Prabhune, AGP for Respondent-State in WP/7558/2024.

Mrs. M.S. Shrivastava, AGP for Respondent-State in WP/3397/2024.

CORAM : SANDEEP V. MARNE, J.

DATE : 6 MARCH 2025.

P.C. :

1) Writ Petition No. 7558 of 2024 and Writ Petition No. 3397 of 2025 are not on board. Since the issue raised therein is similar to the one raised in the Petitions listed today, those Petitions are taken on board with the consent of the learned counsel appearing for parties.

2) These Petitions challenge failure report submitted by the Conciliation Officer on the ground that the Petitioner was not provided with adequate opportunity of presenting its case before the Conciliation Officer. The Petitions also challenge orders passed by Deputy Commissioner of Labour, Nashik making References to the Labour Court.

3) I have heard Mr. Burad, the learned counsel appearing for Petitioner, Ms. Bharadwaj, the learned counsel appearing for Respondent No.2-Employees and Mr. Y.D. Patil, the learned AGP appearing for Respondent-State in WP/7557/2024, WP/7717/2024, WP/7718/2024, WP/7719/2024, WP/7729/2024, WP/10767/2024, WP/10769/2024. Ms. Snehal S. Jadhav, the learned AGP appearing for Respondent-State in WP/10766/2024, WP/11531/2024. Mr. S. D. Rayrikar, the learned AGP appearing for Respondent-State in WP/11532/2024. Mr. Hamid Mulla, the learned AGP appearing for Respondent-State in WP/11533/2024. Ms. A.A. Nadkarni, the learned AGP appearing for Respondent/State in WP/11732/2024. Mrs. Vaishali S. Nimbalkar, the learned AGP appearing for Respondent-State in WP/11733/2024. Mr. R.S. Pawar, the learned AGP appearing for Respondent-State in WP/11735/2024. Mr. J.P. Patil, the learned AGP appearing for Respondent-State in

WP/11737/2024. Mr. A.I. Patel, the learned Addl. GP. appearing for Respondent-State in WP/12042/2024. Mrs. S.A. Praphune, the learned AGP appearing for Respondent-State in WP/7558/2024. Mrs. M.S. Shrivastava, the learned AGP appearing for Respondent-State in WP/3397/2024.

4) After having considered the submissions canvassed by the learned counsel appearing for parties, it is seen that the main grouse of the Petitioner is non-grant of opportunity of hearing by the Conciliation Officer before submitting the failure report. Even if the said contention of the Petitioner is accepted as correct, it is not the case of the Petitioner that it was willing to take back the concerned workers, when the conciliation proceedings were conducted. The very object of conduct of conciliation proceedings is to ensure mediation between the parties, so that the dispute is not ultimately referred for adjudication to the Labour Court. The conciliation proceedings are successful only in a case where employer expresses willingness to take back the employee in service and the employee gives up any claim against the employer. In the present case since the Petitioner has not expressed any desire for reinstatement of the concerned workers, in my view, grant of any opportunity of representation before the Conciliation Officer would not have made any difference in the facts the circumstances of the present case.

5) So far as challenge to the Reference orders are concerned, the same is passed on 2 August 2023, so far as the worker Ganesh Vasant Navale is concerned. By now period of more than one and half year has passed from the date of making of order of reference in his case. Similar is the case in rest of the Petitions as well. The references are sought to opposed essentially on the ground of status of the Respondent as a workman, delay in raising the

demand, absence of challenge to the termination order etc. In my view, all these issues can be raised before the Labour Court by the Petitioner by filing written statement. The issue as to whether a particular Respondent is a workman or not cannot be decided directly by this Court and the same can be adjudicated only by the Labour Court. The issue of delay, if any, in raising the demand and its effect on relief to be granted in favour of the concerned workmen is something, which the Labour Court would decide while adjudicating the references finally.

6) In view of the above position, I am not inclined to exercise jurisdiction under Article 227 of the Constitution of India. Petitioner would be at liberty to raise all defences before the Labour Court during adjudication of the References. Writ Petitions are accordingly **rejected**. All rights and contentions on merits are expressly kept open.

[SANDEEP V. MARNE, J.]

Note: This order is corrected vide order dated 13 March 2025