

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11184 OF 2024

Shri Upasani Kanyakumari Karmchari
Sanghatna

...Petitioner

Versus

Shri Upasani Kanyakumari Sanstha and Ors.

...Respondents

Mr. Somnath Thengal, for the Petitioner.

Ms. Samiksha Kanani, for the Respondent No.1.

Ms. S.D. Vyas, Addl. G.P. a/w Ms. T.J. Kapre, AGP, for Respondent No.4 –
State.

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CORAM : G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATE : 5 FEBRUARY 2025

P.C.:

1. This petition under Article 226 of the Constitution of India is filed
praying for the following substantive relief:-

“(a) This Hon’ble Court be pleased to issue writ of mandamus,
or a writ, order or direction in the like nature or any other
appropriate writ, order or direction to the Respondent No.3
the Hon’ble Central Government Industrial Tribunal No.1
to fix the hearing of the Appeal No.152 of 2017 as early as
possible.”

2. We are informed by the learned counsel for the Union of India that
presently there is a vacancy, hence a Circuit Bench is constituted which would be
available on 10 February 2025.

3. In our opinion, considering the observations which are being made by the Constitution Bench of the Supreme Court in *High Court Bar Association, Allahabad vs. State of Uttar Pradesh and Ors.*¹, it would be appropriate for the petitioner to move an application before the Circuit Bench or before the appropriate Bench of the Industrial Tribunal praying for orders that the proceedings of Appeal No.152 of 2017 be decided expeditiously.

4. If such application is made by the petitioner the same be decided by the concerned Presiding Officer of the Tribunal on its merits and in accordance with law.

5. Thus, keeping open all the contentions of the parties in the pending proceedings the writ petition stand disposed of the aforesaid terms. No costs.

6. Parties to act upon an authenticated copy of this order.

[ADVAIT M. SETHNA, J.]

[G. S. KULKARNI, J.]

¹ (2024) 6 SCC 267