

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

WRIT PETITION NO.18724 OF 2024

Prajyot Pralhad Parkale & Ors.Petitioners

versus

The State of Maharashtra & Ors.Respondents

WITH

WRIT PETITION NO.1686 OF 2025

Chandrakant Appaso Handal & Ors.Petitioners

versus

The State of Maharashtra & Ors.Respondents

WITH

WRIT PETITION NO.1685 OF 2025

Mahesh Sudam Kumbhar & Ors.Petitioners

versus

The State of Maharashtra & Ors.Respondents

WITH

WRIT PETITION NO.1684 OF 2025

Nilam Nandkumar Shitole alias

Nilam Dipak Kadam & Ors.Petitioners

versus

The State of Maharashtra & Ors.Respondents

WITH

WRIT PETITION NO. 14218 OF 2024

Roshni Arun Wadghule alias

Sakshi S. Wanzare & Ors.Petitioners

versus

The State of Maharashtra & Ors.

....Respondents

Mr. Suresh Pakale, Sr. Advocate a/w Mr. Nilesh Desai, Advocate for the Petitioners.

Mr. P.P. Kakade, Addl. G.P. a/w Ms. P.N. Diwan, AGP for Respondent Nos.1 and 2.

Mr. Joel Carlos,. Advocate for Respondent No.3-PDCC.

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

DATE : 18th FEBRUARY, 2025

P.C. :-

1. This is a motion for speaking to the minutes of the order dated 4th February, 2025.

2. Writ Petition No.14218 of 2024, is not on board. By consent, taken on board.

3. The learned Senior Advocate for the Petitioner submits that since the earlier Bombay Industrial Relations Act, 1946, and presently the Maharashtra Industrial Relations Act, (MIRA) would be applicable to this case, Paragraph No. 4(a) needs to be corrected by replacing Section 2(k) of the Industrial Dispute Act, 1947 with

Section 3(17) and Section 42 of the Maharashtra Industrial Relations Act (earlier the Bombay Industrial Relations Act).

4. Similarly, clause 8(b) will have to be corrected by mentioning that all the Petitioners, through the representatives of the employees, would be at liberty to raise an Industrial Dispute.

5. In view of the above, **this motion is disposed off.**

6. Paragraph No.4(a) shall read as under:

“The Petitioners are making out a case of a sham and bogus Contractor and for which an industrial dispute under Section 3(17) r/w Section 42 of the Maharashtra Industrial Relations Act, 1947 (MIRA) will have to be raised before the Conciliation Officer. If the matter is referred to the Industrial Tribunal, which is what the law expects to happen in the face of such a dispute, it would be the Industrial Tribunal which would decide the factum of relationship between the Principal employer (the Respondent Bank herein) and the Contractors.”

7. Paragraph No. 8(b) shall read as under:

“All the Petitioners are at liberty to raise their industrial dispute through the representatives of the employees impleading the Principal employer as well as the Contractors in the said dispute.”

8. Consequentially, Paragraph No.8(d) would read as under:

“The industrial dispute shall be raised before the Conciliation Officer at Pune, on or before 28th February, 2025. A pre-intimation would be given by the Petitioners to the Principal employer as well as the Contractors, who may enter their appearances before the Conciliation Officer.”

9. The second Paragraph with the No.4, shall be re-numbered as 4(a).

10. Corrected order be uploaded.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)