

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

WRIT PETITION NO. 7357 OF 2025

Sarva Shramik Sangh

...Petitioners

VERSUS

Union of India and Ors.

...Respondents

....

Adv. Bennet D'costa a.w Ms. Jignasha Pandya, Advocate for the Petitioners.

Mr. Vinit Jain a/w Mr. Gaurav Mhatre, Advocate for Respondent No.1.

Adv. Dheer Sampat i/b Mrs. Rathina maravarman for Respondent No.2.

Mr. Sandip Mahadik, Advocate for Respondent No.3.

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**CORAM : M. S. KARNIK &
N. R. BORKAR, JJ.
DATE : 12th JUNE, 2025**

P.C.:

1. Heard learned counsel for the petitioner.
2. The learned counsel for respondent No.2 -State Bank of India and respondent No.3 - CISB Pvt. Ltd seek time to file detailed affidavits-in-reply. Respondent Nos. 2 and 3 though seek to file detailed affidavits-in-reply opposing the petition, orally opposed the prayer for interim reliefs made by the petitioners.

3. By this petition, the petitioners seek a relief to transfer the Industrial Reference No. CGIT-2/47 of 2025, currently pending before the Learned Central Government Industrial Tribunal-II, Mumbai to an Industrial Tribunal constituted by the State Government of Maharashtra, as permissible under the third proviso to Section 10(d). Further relief is sought for the direction to the respondent No. 2 - State Bank of India to not enforce the condition in it's tenders prohibiting formation of and participation in unions and not impose such a condition in any form or manner through any other tendering parties.

4. Learned counsel for the petitioners submits that the petitioners have approached this Court in light of vacancy that has emerged in the CGIT No.2 - where the Industrial Reference No.CGIT-2/47 of 2025 concerning the entitlement of 380 workmen - classified and treated as contract workers for relief of permanency benefits with the respondent No.2 - State Bank of India is pending. During pendency of the said reference, the respondent No.2-Bank has taken a decision to terminate the services of 26 workers out of the said 380 workers and is executing the

same through the respondent No.3 tendering party, who has issued individual notices stating that the workmens' services would come to an end on 14th June 2025.

5. It is the contention of the learned counsel for the petitioners that the termination notices have been issued, (a) only to the workmen unionised and covered in the pending reference from the Solapur region and (b) without holding any enquiry into the charges levelled against them.

6. Learned counsel for the petitioners submits that these 26 workers are employed from the period 1996 onwards and it is only from 2012 they were appointed through intermediaries. In 2025, a fresh tender has been issued, as a consequence of which these 26 workers for the reasons aforementioned are sought to be terminated.

7. The employers are working for a long time. *Prima facie*, the action appears to be taken only because the workmen concerned are taking part in union activities. In our opinion, a case is made out for grant of ad-interim reliefs till the time the respondents file affidavits-in-reply.

8. Let the affidavits-in-reply be filed within a period of four weeks from today. Rejoinder, if any, to be filed within two weeks thereafter.

9. List the petition on 4th August 2025. Till the next date, the employment of the 26 workmen shall not be terminated.

(N. R. BORKAR, J.)

(M. S. KARNIK, J.)