

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11807 OF 2025**

Fine Flex Coils Cords Pvt. Ltd.Petitioner

Versus

Pravin Ramchandra More and Anr.Respondents

Mr. S. Shekhar a/w. Mr. Prasad Jadhav for the Petitioner.
None for the Respondents.

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

DATE : 16th SEPTEMBER, 2025

P.C. :-

1. It appears that the Petitioner has either misconstrued the orders passed by the Labour Court and the final order of the Hon'ble Supreme Court or is attempting to misdirect this Court.

2. The Petitioner seeks to challenge the proceeding under Section 48(1) read with Section 39 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (MRTU and PULP Act), which has been preferred by Respondent No.1 and registered as Misc. Criminal Complaint (ULP) No.2 of 2025.

3. We have heard the learned Advocate for the Petitioner Company for quite some time.

4. The dispute between the Petitioner Company and the employee reached the 2nd Labour Court at Pune in Reference (IDA) No.357 of 2003. By a Judgment and Award dated 22nd April, 2010, the Reference was allowed. The Petitioner Company was directed to reinstate the Second Party workman on his original post with continuity and full back wages. The said Award was assailed before the learned Single Judge of this Court in Writ Petition No.8172 of 2010. By an order dated 25th October, 2010, the learned Single Judge recorded that the conclusion of the Labour Court, on the finding on facts that the resignation was dubious, refused to interfere with the Judgment. The Writ Petition was, therefore, dismissed. The Petitioner Company thereafter approached the Appeal Bench in LPA No.286 of 2010. By an order dated 21st December, 2010, the LPA was dismissed with reasons. The Petitioner approached the Hon'ble Supreme Court in Civil Appeal No.9286 of 2013. By an order dated 18th October, 2013, the Hon'ble Supreme Court modified the Award and directed the Petitioner

Company to pay 30% of back wages within two months and allowed the workman to report for duties within the same timeline. With this modification, the Appeal was disposed off.

5. The workman approached the Labour Court under Section 33(C)(2) of the Industrial Disputes Act, 1947, alleging non-payment of minimum wages and other entitlements. By a Judgment dated 7th February, 2015, the application was dismissed on the ground that the workman failed to cross-examine the witness of the Petitioner Company and could not prove that the minimum wages were not being paid.

6. Since the modified Award was allegedly not complied with and implemented by the Petitioner Company, the workman approached the Industrial Court by preferring a Complaint (ULP) under Section 28(1) read with Item 9 of Schedule IV of the MRTU and PULP Act seeking implementation of the order. Item 9 of Schedule IV permits the workman to approach the Industrial Court if he brings up a cause of “failure to implement an award, settlement, or agreement”. By a judgment dated 12th November,

2018, the Industrial Court allowed the Complaint (ULP) and directed the Employer to implement the orders in the form in which they stood. In short, though the Petitioner paid 30% of the back wages to the employee, the reinstatement was not fructified. The workman preferred Review Application (ULP) No.1 of 2019, being dissatisfied with the verdict of the Industrial Court. By an order dated 8th October, 2024, the Review Application was dismissed.

7. Today, the learned Advocate for the Petitioner submits that the workman did not report for duties and hence, the directions to reinstate him in service, as ordered by the Hon'ble Supreme Court, to be effected within two months, could not be achieved. Per contra, the record reveals that the employee's grievance is that he has not been allowed to report for duties.

8. These questions can be gone into by the Labour Court which is dealing with the proceedings. As such, we do not find a good ground to entertain this Petition. If the Petitioner participates in the proceedings before the Labour Court, all contentions are kept open.

9. In view of the above, **this Petition is dismissed.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)