

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 4562 OF 2025

Haffkine Bio-Pharmaceuticals Corporation
Employees' Union (Through its General
Secretary) C/o. Haffkine Bio-Pharmaceutical
Corporation Ltd., Acharya Donde Marg,
Parel- Mumbai 400 012. ... Petitioner.

Versus

1. The State of Maharashtra
Having Office address at:
Office of the Government Pleader,
High Court, Mumbai 400 023.
2. The Deputy Commissioner of
Labour (Conciliation),
Kamgarbhavan, Block(E.), C-20,
Bandra Kurla Complex,
Opp. Reserve Bank, Near City Park,
Bandra, Mumbai 400 051.
3. Haffkine Bio-Pharmaceutical Corporation Ltd.,
(Through its Managing Director)
Acharya Donde Marg,
Parel- Mumbai 400 012. ... Respondents.

Mr. Shailesh K. More, Advocate for Petitioner.
Mrs. N.R. Patankar, Advocate for Respondent No. 3.
Ms. Vrushali Kabre, AGP for Respondent Nos. 1 and 2/State.

CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.

DATE : 18th DECEMBER, 2025

JUDGEMENT : (*PER RAVINDRA V. GHUGE, J*)

1. Leave to delete Respondent No. 4, being a formal party. Deletion permitted. Deletion be carried out forthwith.

2. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.

2. The Petitioner Union raised its demands on the Respondent No. 3 Employer. Copies of the demands were served upon the Respondent No. 2, Conciliation Officer. After receiving the demands, Respondent No. 2 did not indulge into the matter and did not initiate any Conciliation proceedings on the ground that the Application was not in proper form. A meeting termed as 'Personal Management Advisory Services' ('PMAS'), was arranged. When called upon, the learned Advocate for the Assistant Commissioner Labour/Conciliation Officer is unable to point out, either from the Industrial Disputes Act, 1947 or the Industrial Disputes (Bombay) Rules, 1957 as regards existence of any provision to hold a PMAS meeting. Instead of admitting the dispute in conciliation and attempting to resolve the dispute, Respondent No. 2 shunted out the Petitioner on the spacious plea that the Application was

not in proper format.

3. We record our serious displeasure for the manner in which Respondent No. 2 has dealt with the dispute. Fortunately, the dispute between the Recognized Union and the Management, has still not escalated into a full blown confrontation.

4. The learned Advocate for the Management submits that the Management never called upon the Conciliation Officer to shunt out the Petitioners. It is the decision of the Conciliation Officer dated 10.9.2025, which is a cursory remark that, since there was no settlement between the parties, the file is closed and they are at liberty to approach the Court.

5. The procedure as to how an Industrial Dispute is to be dealt with, has been exhaustively considered by this Court (Coram : Ravindra V. Ghuge & Sanjay A. Deshmukh, JJ), in *M/s. Premium Transmission Pvt. Limited v/s. The State of Maharashtra & Others*, Writ Petition No. 7158 of 2020) [Manu/MH/1324/2023]. This Court has adverted to Rules 11 to 13, 17 and 17A of the Industrial Disputes (Bombay) Rules, 1957, (the word “Bombay” is now replaced by the word “Maharashtra”).

6. The duty of the Conciliation Officer requires that whenever he receives any information about an existing or apprehended industrial dispute, he shall give a formal intimation to the parties concerned declaring his intention to commence Conciliation proceedings with effect from such date, as may be specified therein. The Conciliation Officer may hold a meeting of the representatives of both the parties, jointly or with each parties, separately. The Conciliation Officer has to conduct the proceedings expeditiously.

7. In *Management of Menon Pistons Private Limited vs. The Labour Court-II, Madras, 2000(3) L.W. 71*, it was concluded that the Conciliation Officer does not have the power to initiate pre-conciliation meeting. The Conciliation Officer has to give a formal intimation of his intention to commence the Conciliation proceedings.

8. In *Gujarat Ambuja Cement Private Limited vs. U.B. Gadhe, 2006 (1) GLR 269*, while referring to Rule 12, it was held that the Conciliation Officer shall conduct the proceedings expeditiously and conclude the proceedings within 14 days. The Conciliation Officer has the power to give a formal intimation in writing to the parties concerned

declaring his intention to commence Conciliation Proceedings with effect from a particular date. The only requirement is that the Management should receive a charter of demands from the workers prior to the demand being admitted in conciliation.

9. In *Management of Menon Pistons Private Limited (supra)*, Rule 23 was considered to be unambiguous and duty is cast upon the Conciliation Officer to give a formal intimation of his intention to commence the proceedings and also set down the date, from which, the said proceedings will commence. The Manual for Conciliation Officers was also considered by this Court in *M/s. Premium Transmission Pvt. Limited (supra)* and it was concluded that Clause 20 of the Manual is only by way of assistance to the Conciliation Officer to follow a particular manner or path for dealing with the demands of the workers Union. The Manual is directory in nature and does not prohibit commencing of Conciliation Proceedings under Section 12 of the Industrial Disputes Act.

10. In *Associated Cement Staff Union, Mumbai vs. State of Maharashtra & Others, 2009 (3) Mh. L.J. 915*, this Court concluded in paragraph 15 that the Conciliation Officer can initiate Conciliation

Proceedings only when an Industrial Dispute *prima facie* exists or is apprehended. A Conciliation Officer ought not to decline to enter into conciliation proceedings and he should leave the decision to refer the dispute to the Industrial Tribunal, to the Appropriate Government, by tendering a failure report as to whether an industrial dispute exists or not.

11. In *Sindhu Resettlement Corporation Ltd v/s. Industrial Tribunal of Gujrat and Others, 1968 AIR (SC) 529*, it was concluded that Conciliation Officer has to commence the Conciliation Proceedings, even on a *prima facie* noticing or apprehending that a dispute/differences exist between the Employer and Employees. Admitting the demands in conciliation for commencing the Conciliation Proceedings, is what is normally and actually expected from the Conciliation Officer.

12. The impugned order dated 10.9.2025 indicates that the Conciliation Officer has abdicated his jurisdiction and rather than making efforts to settle the matter, he has unjustifiably and inappropriately advised the Union to approach a Court. We could have directed disciplinary action against the Conciliation Officer Shri Shailendra B. Bamane, for his lackadaisical approach. However, since

the learned Advocate conveys the apology of the Conciliation Officer, the same is accepted. We expect the Conciliation Officer to be updated with the latest law and legal provisions and henceforth, must show pragmatism while dealing with such industrial disputes.

13. This **Petition is, therefore, allowed.** The impugned order dated 10.9.2025 is quashed and set aside. The proceedings are remitted to the office of Respondent No. 2. He shall call for a meeting on 29th December, 2025 at 11 a.m.. In the presence of the parties, the dispute raised by the Petitioner would be admitted in conciliation and conciliation proceedings would commence in accordance with the provisions of the Industrial Disputes Act, 1947.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)