

Bombay High Court

Krantikari Kamgar Union vs Aig Global Asset Management India ... on 13 August, 2021

Bench: Makarand Subhash Karnik

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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

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WRIT PETITION (L) NO. 573 OF 2020

Krantikari Kamgar Union

.... Petition

Vs.

M/s.AIG Global Asset Management
India Pvt. Ltd. and anr.

..... Respond

Ms.Rohini Thyagarajan i/b Ms.Karishma Rao, for the Petition
Miss. Suvarna Joshi a/w Ms.Anushree Koparkar, for Responde
No.1.

Mr.Chaitanya Torgal, for Respondent No.2.

CORAM : M. S.KARNIK, J.

DATE : 13th AUGUST, 2021

P.C. :

. Heard learned Counsel for the Petitioner, lea

Counsel for Respondent No.1 and learned Co

Respondent No.2. A pursis dated 04/12/2017 came to be filed by the Advocate for the Petitioner (2nd party before the Labour Court) in response to the objection raised by the 1st party - Company before the Labour Court that appropriate government concerning the Reference (IDA) is Central Government and not the State Government. The Petitioner sought liberty to raise the

60. wpl 573.20.doc dispute before the Central Government and have the same adjudicated by the Central Government Industrial Tribunal. On the basis of the pursis, the impugned order came to be passed by the Labour Court answering the Reference in the negative and granting liberty to the Petitioner to raise the dispute before the Central Government. Accordingly, the Petitioner approached the Central Government for referring the matter to the Central Government Industrial Tribunal. By a communication dated 11/01/2019, the Assistant Labour Commissioner, Central - III, Mumbai informed the Petitioner that Central Government is not an appropriate government in the instant matter. The Petitioner was advised to raise a complaint before the Commissioner of Labour, Government of Maharashtra. Hence, he has now challenged the impugned order.

2. Learned Counsel for Respondent No.1 opposed this Petition and submitted that once the Petitioner on his volition withdraws from the Reference, it is now not open for Petitioner - Union to challenge the order passed by the Labour Court which was passed on the basis of the concession of the Petitioner. Learned Counsel supports the impugned order.

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3. It is in these peculiar circumstances, the Petitioner has approached this Court challenging the order passed by Labour Court. No doubt, the order was passed by the Labour Court in view of the pursis moved by the Petitioners. The Petitioner on the basis of the objection raised by the 1st party - Company appears to have formed an impression that Central Government is an appropriate government and in these circumstances, requested the Labour Court to dispose of the Reference. Considering that now the Central Government has informed the Petitioner that appropriate Government is the State Government, in the interest of justice, it is necessary that the order impugned in this Court needs to be set aside or else, the Petitioner will be virtually left remediless.

4. Accordingly, the impugned order passed by the Labour Court is quashed and set aside. The Reference (IDA) 54 of 2012 is remitted to the Labour Court.

5. All the contentions of the parties are left open including the contention of the 1st party that appropriate Government is the Central Government which contention if raised will be decided on its own merits and in accordance with law.

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6. Needless to mention that having regard to the passage of time, the Labour Court will undoubtedly give every opportunity to the parties to submit the additional pleadings and the reference will be decided on its own merits and in accordance with law.

7. Writ Petition is disposed of.

(M.S.KARNIK, J.)