
(2025) 12 BOM CK 1709
In the Bombay High Court
Case No : Writ Petition No.1457 Of 2015

Best Workers Union

APPELLANT

Vs

Best Undertaking

RESPONDENT

Date of Decision : 19-12-2025

Acts Referred:

Maharashtra Industrial Relations Act, 1946 — Section 27(A), 30, 32, 33
Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 — Section 20, 21, 28

Citation : (2025) 12 BOM CK 1709

Hon'ble Judges : Amit Borkar, J

Bench : Single Bench

Advocate : Neeta Karnik, Aniket Gole, Harshada Kshirsagar, Piyush Todkar, Mahesh Shukla, Heena Shaika, Gayatri Singh, Shailesh S. Pathak

Final Decision : Allowed

Judgement

Amit Borkar, J

1. Both the writ petitions challenge the same Judgment and Order and, therefore, are being decided by this common Judgment. For the sake of convenience, Writ Petition No.1457 of 2015 is treated as lead petition, and the facts of the said petition are taken as the basis for narration.

2. The petitioner in Writ Petition No.1457 of 2025-Union, being aggrieved by the impugned order dated 27 January 2015 passed by the Industrial Court, has instituted the present writ petition, calling in question the legality and propriety of the said order, whereby an unrecognised Union has been permitted to prosecute a dispute of a collective nature.

3. Relevant facts narrated by the petitioner are as under. The petitioner is the BEST Workers Union. It is a trade union duly registered under the Trade Unions Act, 1926. The petitioner Union is also recognised and registered as the Representative and Approved Union for the Transport Industry and the Common

Administration Departments of the BEST Undertaking, which is respondent No. 1. Respondent No. 1 is the Brihanmumbai Electric Supply and Transport Undertaking. Respondent No. 2 is a trade union known as BEST Jagrut Kamgar Sanghatana. The petitioner Union states that it is the recognised Representative and Approved Union under the provisions of the Maharashtra Industrial Relations Act, 1946, for the Transport Industry and Common Administration Departments of respondent No.1. By virtue of such recognition, the petitioner Union is the sole bargaining agent entitled to represent employees in all industrial matters of a general nature. Section 27A of the Maharashtra Industrial Relations Act, 1946 ("MIR Act") provides that, save as provided under Sections 32, 33 and 33A, no employee shall be permitted to appear or act in any proceedings under the Act, except through the representative of employees. Section 30 of the MIR Act further provides that, subject to Section 33A, a Representative Union shall have first preference to appear or act as the representative of employees in an industry within a local area.

4. The petitioner Union came to know that respondent No.2 had filed Complaint (ULP) No.291 of 2015 before the Labour Court at Mumbai against respondent No.1. The complaint challenges circular dated 17 December 2014 issued by respondent No.1 and contends that absorption of 92 unskilled employees in various depots would result in discontinuance of temporary and daily-rated employees. Respondent No.2 also sought interim reliefs on the same basis. The dispute raised in the said complaint concerns a large section of employees and relates to matters of a general nature. Such a dispute can be raised only by the recognized Representative Union. Respondent No. 2, therefore, had no locus to file the said complaint. Upon becoming aware of the said complaint, the petitioner Union filed Application U-A-2 seeking to be impleaded as a co-complainant. Respondent No.2 filed reply to the said application. Thereafter, the petitioner Union filed Application U-A-3, praying that Application U-A-2 be decided prior to the interim application filed by respondent No. 2. By an order dated 30 December 2014, the Labour Court impleaded the petitioner Union as a necessary party, and respondent No.2 amended the complaint accordingly by adding the petitioner as a co-complainant. In the meantime, respondent No.1 filed Application Exhibit C-4 seeking a decision on the preliminary issues of maintainability, locus, and jurisdiction. By order dated 31 December 2014, the Labour Court directed that the issues raised by respondent No.1 be treated as preliminary issues and ordered the parties to maintain status quo till their decision.

5. Respondent No. 1 thereafter filed Application below Exhibit C-7 seeking deletion of the name of respondent No.2 from the complaint on the ground that its continuation as a complainant was impermissible in law. The petitioner Union supported the said application and reiterated that respondent No.2 had no legal right to prosecute the complaint. The Labour Court, by its order dated 2 January 2015, allowed Application below Exhibit C-7, and directed deletion of the name of respondent No.2 from the complaint. Aggrieved by the said order, respondent

No.2 filed Revision Application (ULP) No.6 of 2015 before the Industrial Court, Mumbai. After hearing the parties, the Industrial Court allowed the revision by its order dated 27 January 2015, which is the impugned order. The petitioner Union, being aggrieved by the impugned order dated 27 January 2015, has filed writ petition.

6. Ms. Neeta Karnik, learned Senior Advocate for petitioner submits that the Industrial Court has failed to appreciate the mandatory scheme of the Maharashtra Industrial Relations Act. Save and except as provided under Sections 32, 33 and 33A of the MIR Act, even an individual employee is prohibited from appearing or acting in any proceedings, except through the recognised Representative Union. The complaint in question was prosecuted by respondent No.2, which is neither a Representative Union under the Act nor concerned with any individual case of dismissal, discharge, removal, retrenchment, termination, or suspension. In such circumstances, respondent No.2 could not have been permitted to continue as a complainant.

7. She submits that the Industrial Court committed a manifest error in placing reliance on the judgment in *Bajirao Rajaram Patil v. Maharashtra State Co-operative Bank Ltd.*, 1997 I LLJ 781. The said decision arose from an individual employee challenging a transfer order. It dealt with a purely individual grievance and not with a collective industrial dispute. The ratio of that judgment has no application to the present case, which concerns a collective issue affecting a substantial body of employees and is governed by the provisions of the MIR Act.

8. She further submits that the Industrial Court failed to apply the true and correct ratio of the judgment of the Supreme Court in *Shramik Utkarsh Sabha v. Raymond Woollen Mills Ltd.*, AIR 1995 SC 1137. The Supreme Court clearly held that Section 21 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 ("MRTU & PULP Act") operates in respect of undertakings governed by the Industrial Disputes Act and restricts representation in specified unfair labour practices to recognised unions alone and the present undertaking is governed by the MIR Act. This crucial distinction has been completely overlooked in the impugned order.

9. She submits that the Industrial Court also failed to consider and apply the binding principles laid down in *Rajendra Z. Jagtap v. Baramati Taluka Sahakari Kamgar Sabha* (2007)1 CLR 455, *Vilas G. Khetle v. S.D. Rane* 1983 Lab IC 1055, and *Shivanand G. Baswanti v. Laxmi Textile Mills* (2008) 13 SCC 323. These judgments consistently affirm the exclusive and central role of the Representative Union in matters involving collective disputes. The impugned order disregards this settled position of law.

10. She submits that the Industrial Court has overlooked the fact that the apprehended termination affected nearly 200 employees. The nature of the dispute is plainly collective. Such a dispute can be validly espoused only by the petitioner Union in its capacity as the recognised Representative Union. Allowing

an unrecognised union to prosecute such a dispute defeats the statutory scheme. She further submits that the Industrial Court failed to appreciate the statutory embargo contained in Section 30 of the MIR Act. Permitting respondent No. 2 to continue in the proceedings undermines the framework of collective bargaining envisaged by the statute and prejudices the interests of employees, who are, by law, required to be represented exclusively by the petitioner Union.

11. Per contra Ms. Gayatri Singh, learned Senior Advocate for the respondent-Union submits that the complaint is admittedly instituted under Items 1(a), 1(b), 1(d) and 1(f) of Schedule IV of the MRTU and PULP Act. The judgments relied upon by the petitioner pertain to Items 2 and 6 of Schedule IV. These provisions operate in a distinct legal field. Item 1 of Schedule IV deals with discharge or dismissal of employees, whereas Items 2 and 6 concern collective bargaining issues. The authorities cited by the petitioner relate to collective rights of a recognised or representative union and not to individual rights of employees in matters of dismissal, discharge, termination, retrenchment, or suspension.

12. She further submits that the judgment in *Shramik Utkarsh Sabha* was rendered in a context where an unrecognised union sought to be impleaded in proceedings initiated by a recognised union. It was in those facts that the Court held that an unrecognised union could not represent or supplant a recognised or representative union. The said judgment does not deal with a situation where individual employees challenge termination or allied actions under Item 1 of Schedule IV. It is submitted that the concept of a recognised or representative union under the MRTU and PULP Act as well as under the MIR Act is founded on the object of collective bargaining. Such unions exist to ensure industrial peace by providing a single negotiating body for matters relating to conditions of service and other collective issues. Termination of service does not fall within the realm of collective bargaining. For this reason, the Legislature has consciously restricted the exclusive appearance of a representative union only to Items 2 and 6 of Schedule IV. A plain reading of Schedule IV itself shows that Items 2 and 6 involve collective issues, whereas Item 1 squarely concerns individual discharge or dismissal. In this background, she placed reliance on Section 20(2)(b) of the MRTU and PULP Act. The said provision clearly states that an employee shall not appear except through a recognised union, except in proceedings where the legality or propriety of dismissal, discharge, removal, retrenchment, termination of service or suspension is under consideration. The exception carved out by the Legislature is explicit. Where termination-related issues arise, representation is not confined only to a recognised or representative union. Any union can appear and act on behalf of the affected employees.

13. She submits that this exception is based on sound reasoning. In cases of termination, there may arise situations where the recognised union may act in collusion with the employer or may fail to protect the interests of affected employees. To prevent injustice in such cases, the law permits employees to choose a union of their own choice, whether recognised or otherwise, to espouse

their cause. She further relies on Section 21(2) of the MRTU and PULP Act. This provision begins with a non obstante clause and restricts appearance only to a representative union in proceedings relating to unfair labour practices under Items 2 and 6 of Schedule IV. The language of the provision is clear and unambiguous. By necessary implication, proceedings under Item 1 are excluded from such restriction. Well-settled principles of statutory interpretation require the Court to give effect to the plain meaning of the provision without adding words or limitations not found in the statute.

14. The respondent also refers to Section 32 of the BIR Act, now the MIR Act. This provision similarly permits appearance by individuals or unions in proceedings before the Labour Court or Industrial Court where the legality or propriety of dismissal, discharge, removal, retrenchment, termination, or suspension is under consideration. The statute thus consistently recognises termination-related disputes as a distinct category where exclusive representation by a representative union is not mandated. She submits that the statutory scheme under both enactments clearly supports the respondent's locus to maintain the complaint under Item 1 of Schedule IV. The legislative intent is uniform. Individual or group termination disputes are kept outside the exclusive domain of representative unions.

15. She further submitted that the petitioner Union has not acted bona fide. The circular dated 17 December 2014 was issued after disposal of Complaint ULP No.546 of 2007 by the Industrial Court on 30 October 2014. The earlier complaint arose out of agreements dated 6 June 2006 and 8 June 2006, wherein it was agreed that badli employees, casual labourers and widows would be absorbed in regular service. During the hearing of the said complaint, the Advocate for the petitioner Union made a categorical statement before the Industrial Court that the complaint survived only in respect of widows and not in respect of casual or badli employees. Acting on this statement, the Industrial Court passed orders limited only to widows of deceased employees, although the original agreement covered nearly 200 employees. She submits that despite the subsistence of the issue relating to casual labourers working as scavengers, the petitioner Union allowed their cause to be abandoned. The present dispute has arisen precisely because those employees were not absorbed, and their services came to be terminated. She further submits that the impugned order passed by the Industrial Court in Revision Application (ULP) No.6 of 2015 discusses the correct legal position in paragraphs 18, 20, 21, 22, 24, 26 and 27. The said reasoning merits judicial notice and acceptance. The respondent Union has raised several issues concerning termination of services of employees. The question of locus standi was also raised in Writ Petition No.9158 of 2014. By order dated 23 September 2021, the learned Single Judge permitted the petitioner Union to prosecute the matter expeditiously. Instead of contesting the issue on merits, the petitioner Union chose to raise parallel proceedings by way of references. It is submitted that Complaint ULP No.56 of 2013 was disposed of on the ground that representative and approved unions had themselves sought deletion of their

names as similar issues were pending in Reference (IC) No.1 of 2016 and Reference (IC) No.2 of 2016 before the Industrial Court. The respondent further submits that by an order dated 18 June 2013, the learned predecessor held that the BEST Jagrut Kamgar Sanghatana could proceed at least as a pro forma complainant to assist and instruct the representative unions. The respondent and affected employees thereafter filed Complaint ULP Nos.39 of 2016 and 441 of 2016. It was specifically pleaded that under a settlement with the Safai Ayog, scavengers were to be absorbed on permanent posts. While some employees were absorbed, others were terminated following the outcome of Complaint ULP No.546 of 2007. In the connected writ proceedings, the BEST Undertaking itself contended that the status quo order ceased to operate once respondent No.1 was deleted and preliminary issues were decided. It was further contended by the employer that the employees did not report for duty despite interim orders. These facts clearly demonstrate that the dispute squarely concerns termination of services and not collective bargaining, thereby justifying the respondent Union's locus to maintain the complaint.

Core question.

Who may properly prosecute the present complaint. The answer depends on whether the dispute is of a collective character that must be prosecuted by the recognised Representative Union; or whether it falls within the exception allowing any union or individual to appear in proceedings concerned with dismissal, discharge, removal, retrenchment, termination, or suspension.

Statutory frame.

16. Sections 20 and 21 of the MRTU and PULP Act, read with Section 30 of the Maharashtra Industrial Relations Act, lay down a structured system of representation of workmen. The Act does not permit multiple voices to speak for workers on collective issues. It recognises one representative union so that the employer deals with a single body. This arrangement avoids confusion, rivalry between unions, and conflicting demands. It promotes discipline and industrial peace. Section 30 of the MIR Act, therefore, places the recognised union at the center of collective representation and collective bargaining. At the same time, the Legislature has consciously carved out a narrow and specific exception. Section 20(2)(b) of the MRTU and PULP Act makes it clear that where the Court is examining the legality or propriety of an order of dismissal, discharge, removal, retrenchment, termination or suspension, representation is not restricted only to the recognised union. This exception rests on a sound basis. Matters of termination directly affect the livelihood of an individual workman. In such cases, the Act permits the workman to seek support from a union of his choice, as the dispute is personal in nature and not one of collective bargaining. Section 21(2) of the MRTU and PULP Act reinforces this distinction. It expressly restricts representation only in proceedings relating to unfair labour practices under Items 2 and 6 of Schedule IV. These items deal with collective issues such as interference with union activities and refusal to bargain collectively. The

restriction applies only to these collective matters and to no other category. The language of the provision leaves no scope for extending this restriction to Item 1 of Schedule IV, which deals with discharge or dismissal.

17. A similar approach is evident under Section 32 of the MIR Act. That provision permits limited appearance by individuals or non-representative unions in proceedings where dismissal or allied orders are under challenge, subject to stated conditions. At the same time, it preserves the dominant role of the recognised union in all other proceedings of a collective character. Read together, these provisions show a consistent legislative intent. Collective disputes must be led by the recognised union. Individual termination disputes may be pursued independently. The statute does not support any interpretation that blurs this clear and deliberate division. The idea behind recognising a representative union is that, in matters affecting a large body of workmen, there should be only one voice speaking on their behalf. This avoids a situation where multiple unions raise competing claims and the employer is pulled in different directions. Such a system reduces friction, brings clarity in negotiations, and helps in maintaining industrial peace. The scheme, therefore, encourages an orderly and structured process of collective bargaining through the recognised union. At the same time, the Legislature was conscious that collective representation may not always safeguard individual interests. In cases of dismissal, discharge, removal, retrenchment, termination or suspension, the consequences fall directly and personally on the workman. There may be situations where a recognised union does not act, or where an employee apprehends unfair treatment. To guard against such possibilities, the law creates a limited exception. It allows an individual employee to pursue such grievances with the assistance of a union of his choice. This exception is narrow and purposeful. It is meant to protect the individual, not to undermine collective representation.

18. The statutory scheme, therefore, draws a clear and workable line. Where the dispute concerns a collective issue or a mass action affecting a group of employees, the recognised representative union alone must espouse the cause. Where the dispute concerns a purely individual challenge to dismissal or allied action, the law permits departure from exclusive representation. This distinction is supported by the structure of the statute and the nature of the rights involved.

Character of present dispute.

19. The record before this Court leaves no manner of doubt that the apprehended terminations are not confined to one or two individuals. The material placed on record shows that the original settlement, as well as the subsequent rounds of litigation, concerned nearly 200 employees. The issue of absorption and the threat of termination arose out of a common set of facts and decisions taken by the employer. These decisions were not tailored to any single workman. They operated uniformly on a defined group of employees.

20. The complaint itself challenges the policy and action of the employer relating

to absorption and termination. Such a challenge necessarily affects the workforce as a class. The consequences of the impugned action are collective. If absorption is denied or services are terminated, the impact is felt by all similarly placed employees. The service structure, continuity of employment, and security of tenure of a large group are involved. These are not matters that can be decided employee by employee in isolation.

21. For this reason, the complaint cannot be treated as a bundle of individual grievances merely because termination is one of the issues raised. In substance, it raises questions of collective employment rights. The law recognises that when rights and liabilities arise from a common cause, and affect a group as a whole, they must be addressed through collective representation. Such disputes fall squarely within the domain of the recognised Representative Union, which alone is equipped and authorised to espouse and safeguard the collective interests of the workforce.

Applicability of Shramik Utkarsh Sabha

22. The Supreme Court, in *Shramik Utkarsh Sabha*, was examining the scope of Section 21 of the MRTU and PULP Act. The Court made it clear that this provision applies only to undertakings governed by the Industrial Disputes Act. It does not apply to undertakings governed by the Maharashtra Industrial Relations Act. This distinction reflects the legislative choice to create two different systems of industrial relations. In undertakings governed by the MIR Act, the role of the Representative Union is central and dominant. Section 21 of the MRTU and PULP Act cannot be lifted from its context and applied to such undertakings in a manner that weakens or bypasses the statutory scheme of the MIR Act. The Supreme Court also clarified the scope of the exception contained in Section 21. The permission to appear is given to an employee. It is not extended to a union other than the recognised or representative union. The judgment expressly rejects the argument that any unrecognised union can appear in all unfair labour practice proceedings except those falling under Items 2 and 6 of Schedule IV. This clarification shows that the exception is narrow. It is personal to the affected employee. It is intended to protect an individual workman in a limited situation. It does not create a general right in favour of unrecognised unions to take over disputes of a collective nature.

23. When these principles are applied to the present facts, the legal position becomes clear. The dispute before the Court is not about one workman challenging his dismissal in isolation. The material on record shows that the issue relates to absorption and termination affecting a large number of employees. The consequences are widespread. The dispute impacts service conditions of a group as a whole. Such a grievance cannot be reduced to an individual cause merely because the word termination is used. In substance, it is a collective dispute. Once the dispute assumes a collective character, it necessarily falls within the field of collective industrial relations. That field, under the MIR Act, is reserved for the recognised Representative Union alone. The Act does not permit parallel

representation in such matters. The reliance placed by respondent No.2 on Shramik Utkarsh Sabha is, therefore, misconceived. The judgment does not support the proposition that an unrecognised union can prosecute a collective unfair labour practice simply because termination is involved. On the contrary, the Supreme Court warns against such an expansive reading. It affirms the statutory divide. Individual employees may appear in limited situations. Collective disputes must be espoused only by the recognised Representative Union.

Applicability of Bajirao Rajaram Patil

24. In Bajirao Rajaram Patil, the Court was dealing with a very limited and clearly defined situation. The complaint before the Court was filed by a single employee of an undertaking governed by the Maharashtra Industrial Relations Act. The grievance raised was against a transfer order passed against that employee alone. The Court, therefore, framed a narrow question. Whether such an individual employee could maintain a complaint under Items 3 and 9 of Schedule IV of the MRTU and PULP Act without routing the grievance through the representative union. On the facts before it, the Court answered that question in the affirmative. The reasoning of the Court leaves no room for doubt. The judgment repeatedly notes that the complaint was purely personal in nature. The transfer order affected only the concerned employee. It did not change service conditions of other employees. It did not result in any mass action or collective consequence. On these facts, the Court held that neither Section 21 of the MRTU and PULP Act nor the scheme of the MIR Act barred the employee from approaching the Court directly. The Court specifically relied upon Section 28 of the MRTU and PULP Act, which permits an affected employee to file a complaint in the absence of any express statutory prohibition. What is equally significant is the limit the Court placed on its own reasoning. The judgment does not lay down that an unrecognised union can espouse collective disputes in undertakings governed by the MIR Act. The Court nowhere suggests that the statutory role of the representative union can be bypassed in matters affecting a class of employees. On the contrary, the judgment expressly accepts the ratio of Shramik Utkarsh Sabha and reiterates that statutory restrictions on representation operate in collective matters. The distinction is carefully maintained. Individual disputes may be pursued by individuals. Collective disputes must be handled through representative unions. This distinction is further strengthened by the passages from Shramik Utkarsh Sabha which the Court in Bajirao Rajaram Patil quotes with approval. Those passages explain why the law insists on exclusive representation in collective matters. The purpose is to facilitate collective bargaining and preserve industrial peace. The exception is confined to individual disputes between employer and employee. The judgment in Bajirao Rajaram Patil does not weaken this principle.

25. When these principles are applied to the present case, the difference is stark. The dispute now under consideration does not arise from a single transfer order

or an isolated personal grievance. The record shows that the issue relates to absorption and termination affecting a large number of workmen. Nearly 200 employees stand impacted. The consequences are widespread. The composition of the workforce and the service conditions of a group as a whole are involved. Such a dispute cannot be treated as an individual grievance merely because termination forms part of the subject. For this reason, the reliance placed by respondent No. 2 on Bajirao Rajaram Patil is misconceived. That judgment protects the right of an individual employee to seek redress for a personal wrong where the statute does not bar it. It does not support the proposition that an unrecognised union can prosecute a collective unfair labour practice in an undertaking governed by the MIR Act. Any such reading would stretch the ratio beyond its facts and would run contrary to the statutory scheme which the judgment itself respects. Accordingly, Bajirao Rajaram Patil does not assist respondent No.2. When read correctly, it reinforces the settled legal position. Individual disputes may be pursued independently. Collective disputes must be espoused only by the recognised Representative Union.

Other Precedents and their applicability.

26. Several judgments were cited by the parties and carefully examined by this Court. A close reading of those authorities shows that each of them must be applied in the factual context in which it was rendered. The judgment relied upon by respondent No. 2 relates to a transfer order affecting a single employee. Such a decision deals with an individual service grievance. It does not lay down the law for disputes which arise from a common cause, and affect a large body of employees. A precedent dealing with an individual transfer cannot govern a mass or collective dispute.

27. The decisions interpreting Sections 20 and 21 of the MRTU and PULP Act, read with the provisions of the Maharashtra Industrial Relations Act, consistently maintain a clear distinction between different categories of unfair labour practices. Item 1 of Schedule IV deals with discharge or dismissal of employees. Items 2 and 6 deal with collective issues such as interference with union activities and refusal to bargain collectively. The statutory scheme treats these categories differently for valid reasons grounded in industrial relations.

28. Where the dispute is collective in character, the law insists that it must be espoused by the recognised Representative Union. This ensures uniformity in representation and protects the collective bargaining process. The limited exception carved out by the statute for dismissal and allied matters is meant to safeguard an individual employee in a personal dispute. It is not meant to be used as a gateway for unrecognised unions to prosecute disputes of a collective nature.

29. These principles emerge clearly from the statutory provisions and the judicial decisions placed on record. When applied to the facts of the present case, they provide a clear guide. The dispute before this Court is collective in nature. It

must, therefore, be dealt with in accordance with the statutory requirement of representation through the recognised union alone.

On the conduct and statements in earlier proceedings.

30. It is true that, in earlier proceedings, the counsel appearing for the petitioner made a statement restricting the relief to widows. That statement was recorded by the Court, and it naturally influenced the scope of the orders passed at that stage. The Court confined its directions accordingly. However, such a statement cannot be treated as determinative of the true nature of the dispute. The character of a dispute does not change merely because, at a particular stage, relief was narrowed or confined for practical or strategic reasons. Courts are required to look beyond form and examine the substance of the controversy. The substance here, as borne out by the record, is that the dispute arose from a common policy decision affecting a large group of employees. That underlying character does not disappear because relief was, for a time, restricted to a smaller category. If a statement made by counsel resulted in partial or limited orders, the law provides remedies to address that situation. Parties may seek appropriate clarification, modification, or further relief in accordance with law. What cannot be done is to treat such a tactical development as altering the statutory nature of the dispute itself. The statutory scheme draws its own boundaries. Whether a dispute is collective or individual depends on its impact and subject-matter, not on the manner in which arguments were advanced at an earlier stage. Tactical or partial statements cannot convert a collective dispute into an individual grievance. Substance must prevail over form, and the statutory character of the dispute remains unchanged.

Consequences of permitting respondent No.2 to continue.

31. Permitting an unrecognised union to prosecute a dispute of a collective nature would have serious and practical consequences. It would lead to multiple unions claiming the right to speak for the same group of employees. The employer would then be faced with conflicting demands and competing representations. Such a situation is precisely what the statute seeks to avoid. The law, therefore, provides for a single recognised representative union to conduct collective negotiations. The statutory design under the Maharashtra Industrial Relations Act entrusts collective bargaining to one representative body so that negotiations are orderly, consistent, and capable of resulting in uniform service conditions. If unrecognised unions are allowed to step in and prosecute collective grievances, the entire framework would stand diluted. Collective bargaining would lose coherence. Industrial discipline and stability would suffer.

32. The evidence on record shows that the present dispute affects a large group of employees and concerns common terms of employment. Uniformity in outcome is essential in such matters. Allowing parallel prosecution by an unrecognised union would jeopardise the enforcement of consistent terms for all employees. The statute does not permit such an outcome. In collective matters,

the law leaves no discretion. Representation must be through the recognised union alone.

On the contention of bona fides.

33. The pleadings do contain allegations and counter-allegations regarding timing and motive. Each side attributes reasons to the actions of the other. However, it is neither necessary nor appropriate to decide every such allegation in order to resolve the present issue. The question before the Court is a legal one. It concerns locus and the right to prosecute the dispute. That question is answered by examining the statutory scheme and the true character of the dispute. Once the law identifies the dispute as collective in nature, the answer follows as a matter of statutory mandate. The right to prosecute such a dispute vests in the recognised Representative Union alone. This conclusion does not depend on the alleged motives of either party. If allegations of mala fides are made, they must be supported by clear and cogent evidence. Such issues can be examined in appropriate proceedings if the law so permits. They cannot be used to bypass or dilute the statutory framework governing representation. Motive cannot override mandate. The legal rule remains unchanged. Collective disputes must be prosecuted only by the recognised union.

Relief and directions.

34. Hence, following order:

- (a) Both the writ petitions are allowed.
- (b) The impugned order dated 27 January 2015 passed by the Industrial Court in Revision Application (ULP) No.6 of 2015 stands set aside.
- (c) The order dated 2 January 2015 of the Labour Court deleting the name of respondent No.2 from Complaint ULP No.291 of 2015 is restored to the extent it held that respondent No.2 cannot continue as complainant in a collective dispute.