

(1996) 06 BOM CK 0080

In the Bombay High Court

Case No : Criminal Application No. 2386 of 1990

Diners Club India Ltd. and Others

APPELLANT

Vs

Rajguru M.S. and Others

RESPONDENT

Date of Decision : 21-06-1996

Acts Referred:

Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 — Section 48

Citation : (1996) 74 FLR 2082 : (1998) 3 LLJ 934

Hon'ble Judges : M.B. Shah, C.J

Bench : Single Bench

Judgement

M.B. Shah, C.J.—Against the notice dated 27.8.1990 issued by the First Labour Court, Bombay informing the Petitioners why proper action u/s 48 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practice Act should not be taken against the Petitioners this Criminal Application is filed.

2. It is submitted that on the interim application filed by the Maharashtra General Kamgar Union in Complaint (ULP) No. 730 of 1990 the Industrial Court, Bombay on 12.7.1990 passed the following order :-

"Status quo ante be maintained this order is passed after hearing both the sides."

Thereafter on 21.8.1990 M. S. Rajguru, the Respondent No. 1 filed Criminal Miscellaneous Complaint (ULP) No. 101 of 1990 u/s 48 of the Act before the Labour Court alleging that the Petitioners have committed the breach of the status quo order passed by the Industrial Court. Therefore, they should be punished u/s 48 of the Act.

3. At the time of hearing of this Application the learned Counsel for the Petitioner pointed out that the status quo order passed by the Industrial Court is already vacated on 21.10.1993. It is also submitted that status quo ante would not mean that other prayers of the Union was granted by the Court and the submission

made by the complainant in para 4 that it would include all the prayers is totally without any basis.

4. Considering the fact that the status quo order is already vacated by the Industrial Court and the fact that there was no specific direction issued by the Industrial Court while passing the order dated 12.7.1990 it cannot be said that the Industrial Court has granted all the prayers of the complainant. In this view of the matter the notice issued by the Labour Court for punishing the petitioner u/s 48 of the M.R.T.U. & P.U.L.P. Act is without any basis and requires to be quashed and set aside.

5. In the result, this Criminal Application is allowed. The process issued on the Criminal Miscellaneous Complaint (ULP) No. 101 of 1990 is quashed. Rule made absolute.