

(2022) 10 BOM CK 0020

In the Bombay High Court

Case No : Writ Petition No. 2122, 2123 Of 2022 (F), Miscellaneous Civil
Application No. 2159 Of 2022 (F)

Employees Union Of Sesa Mining Corporation Ltd

APPELLANT

Vs

Sesa Resources Ltd

RESPONDENT

Date of Decision : 04-10-2022

Acts Referred:

Industrial Disputes Act, 1947 — Section 25N, 25N(6)

Citation : (2022) 10 BOM CK 0020

Hon'ble Judges : G.S. Kulkarni, J

Bench : Single Bench

Advocate : Arunkumar Nigalye, Omkar Kulkarni, S.S. Kantak, Abhijit Gosavi,
Athnain Naik, Pravin Faldessai

Final Decision : Disposed Of

Judgement

G.S. Kulkarni, J

1. Heard learned Counsel for the parties.

2. These are two Writ Petitions, which assail an order dated 1 September 2022 passed by the Specified Authority and Joint Secretary (Industrial Relations), Ministry of Labour and Employment, Government of India-respondent no. 2, on an application as filed by respondent no. 1 under the provisions of Section 25-N of the Industrial Disputes Act, 1947 (for short, the ID Act) seeking an approval for retrenchment of the employees engaged by respondent no. 1 in each of these Petitions, which has been granted in favour of respondent no. 1.

3. Mr. Kantak, learned Senior Counsel for respondent no. 1 would point out that an identical issue had fell for consideration of this Court in Writ Petition No. 2043/2022 (F) [United Mine Workers Union Vs. Sesa Resources Ltd.], which came to be disposed of by an order 28 September 2022 observing that as a review application under the provisions of Section 25.N(6) of the ID Act, which was pending before the said Authority (respondent no. 2), should be decided. He

has submitted that in the present proceedings also, there are review petitions filed on behalf of the petitioner and they are pending adjudication.

4. The learned Counsel for the parties submitted that the issues as raised in these Petitions are similar to the issues as raised in the proceedings of Writ Petition No. 2043/2022 (F). It is thus agreed that the present Petitions can be disposed of in terms of order dated 28 September 2022 passed in Writ Petition No. 2043/2022 (F).

5. Mr. Faldessai, learned Deputy Solicitor General of India for respondent no. 2, on instructions from Mr. Sunil Raghunath Mali, RLC(C), who is present in the Court, would also be agreeable for such course of action to be adopted. He fairly submits that the review applications dated 30 September 2022 can be decided by the concerned Authority.

6. In the above circumstances, both the Petitions are disposed of in terms similar to the order dated 28 September 2022 passed in Writ Petition No. 2043/2022 (F). Each of the above Petition is disposed of by the following order:

ORDER

(i) Respondent No. 2, shall decide the review applications dated 30 September 2022 filed by the petitioner under Section 25-N(6) of the ID Act as expeditiously as possible and in any event on or before 31 October 2022 in accordance with law.

(ii) The impugned order dated 1 September 2022 shall not be given effect to, till appropriate orders are passed by respondent no. 2 on the review petitions and in the event, an order adverse to the petitioner is passed, for a further period of ten days from the date of communication of the said order.

(iii) Needless to observe that all contentions of the parties on the review applications are expressly kept open to be canvassed before respondent no. 2.

(iv) Respondent No. 2 shall inform the parties of the date fixed of hearing on the review proceedings within ten days from today so that the parties can be conveniently heard and appropriate orders be passed on the review petitions filed by the petitioner.

7. The Petitions are disposed of in the above terms. No costs.

8. In view of the order passed in Writ Petition No. 2123/2022(F), Miscellaneous Civil Application No. 2159/2022 (F), does not survive and accordingly it is disposed of.

9. All concerned to act on an authenticated copy of this order.