

(2003) 08 BOM CK 0029

In the Bombay High Court

Case No : M.C.A. No. 245 of 2003 in Writ Petition 3131 of 1998

Labour Law Practitioners Association

APPELLANT

Vs

Vidarbha Labour Laws Practitioners Association and Others

RESPONDENT

Date of Decision : 08-08-2003

Acts Referred:

Citation : (2004) 2 LLJ 273

Hon'ble Judges : S.T. Kharche, J; R.J. Kochar, J

Bench : Division Bench

Judgement

1. Heard the learned counsel for the parties. Perused the proceedings. After hearing both the learned counsel for some time, both the learned counsel have filed a pursis signed by the learned counsel. The judgment and order dated February 27, 2003 stands modified to the extent as stated in para 3 of the pursis.

2. The learned A.G.P. has placed on record a report of the learned President I/C of the Industrial Court to disclose the progress made by the State Government in furtherance of the aforesaid judgment and order passed by this Court. The report is taken on record as Exhibit "X". The Learned A.G.P. shall file the status report as required in the judgment.

3. We are constrained to observe that the learned Judges were not properly assisted and appraised by the learned Additional Registrar Shri J.H. Bhatia. Had he pointed out the position correctly there would not have been the occasion for this Court to observe that the 4 Labour Courts and 2 Industrial Courts should be shifted to Nagpur from Mumbai and Pune as the case may be. The learned Additional Registrar ought to have been more diligent and careful in his report to suggest such drastic proposals which he made without proper application of mind and without assessing the correct position and nature of litigation in the Mumbai-Pune Courts. He ought to have consulted the President of the Industrial Court before making such suggestions which had drastic consequences without hearing the concerned Bar Associations.

4. The State Government shall consider the demands of the petitioners for creation of additional Courts in accordance with the prescribed norms and Rules.

5. The allegations made in the M.C.A. against the petitioners have been gracefully withdrawn by the applicant of the M.C.A

6. The State Government shall strictly follow the directions in the judgment for infrastructure and other suitable requirements for the smooth and respectable functioning of a Court of Law.

PURSIS

That, with a view to maintain good relations with the Petitioner and to reach amicable settlement in the matter, the Respondent No. 1 submits compromise proposal as under:

(1) The Petitioner to withdraw the allegation made against the Respondent No. 1 in Ground No. (C) Page 17 of the Review Petition.

(2) That, with a view to protect the interest of Respondent No. 1, this Honourable Court may be pleased to issue appropriate directions for -

(a) Creation of two additional Industrial Courts and two additional Labour Courts at Nagpur over and above the existing strength of four Industrial Courts and three Labour Courts within a period of three months, and

(b) On satisfaction of Clause 2(a) above, the issue of creating additional Labour Courts and Industrial Courts at Nagpur be kept open and liberty be granted to the Respondent No. 1 to demand creation of additional Courts at the appropriate time; and

(c) Expediting the ongoing work of construction of the additional Court Rooms, repairs of the building and providing additional and adequate infrastructure and for completion of the said work within a period of three months.

(3) That, in view of Clause 2 above and if petitioner agrees to withdraw the allegations as mentioned in Clause 1 above, the requirement of creation of additional Industrial Courts and Labour Courts at Nagpur by shifting Industrial Courts from Mumbai and Labour Courts from Mumbai and Thane is not being insisted upon. The order dated February 27, 2003 passed by this Honourable Court in Writ Petition No. 3131/1998 be kindly modified accordingly to that extent only.

7. Hence, this Pursis.