

(1999) 07 BOM CK 0027

In the Bombay High Court

Case No : Writ Petition No. 3620 of 1999

Maharashtra State Road Transport Corporation

APPELLANT

Vs

M.S.R.T. Kamgar Sanghatana

RESPONDENT

Date of Decision : 20-07-1999

Acts Referred:

Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 — Section 30(2)

Citation : (1999) 2 LLJ 1082

Hon'ble Judges : D.K. Deshmukh, J

Bench : Single Bench

Advocate : G.S. Hegde, for the Appellant;

Judgement

D.K. Deshmukh, J.—Rule returnable forthwith. Heard finally by consent of the parties.

2. The learned Counsel for the petitioners submits that in view of the finding by the Industrial Court that no unfair labour practice has been proved, there is no power left for the Industrial Court to make any order granting interim relief in favour of the complainant. The learned Counsel for the Respondents, on the other hand, submits that the interim order that was made by the Industrial Court has been complied with by the petitioners. This statement is disputed by the learned Counsel appearing for the petitioners. He submits that by the impugned order not only meetings were to be held, but minutes of the meetings were also to be submitted before the Court. In the submission of the learned Counsel, therefore, the learned Counsel for the Respondent is not right in submitting that the order has been complied with. The learned Counsel for the petitioners submits that the order of the Industrial Court set a bad precedent in the sense that the Industrial Court even if found that there is unfair labour practice makes an interim direction.

3. I have heard the learned Counsel for both sides. I find that the power of the Industrial Court of granting interim relief is contained in Sub-section 2 of Section

30. A power of any Court to grant interim relief is always to be exercised in aid of the final relief that is claimed in the complaint. For that purpose the Court has to first find out whether, prima facie case has been made out by the complainant. The Court for that purpose held an inquiry and had reached prima facie conclusion that there is no unfair labour practice on the part of the employer/ Petitioner. Once the Court reaches that finding, in my opinion, the Court loses the power to grant any interim relief in such case. The order impugned, therefore, in my opinion is liable to be set aside. It is accordingly set aside. Rule made absolute with no order as to costs.