
(2005) 03 BOM CK 0095
In the Bombay High Court
Case No : O.O.C.J.W.P. (L) No. 576 of 2005

Mahindra and Mahindra Workers Union	APPELLANT
Vs	
State of Maharashtra	RESPONDENT

Date of Decision : 28-03-2005

Acts Referred:

Trade Unions Act, 1926 — Section 28(1A)

Citation : (2005) 3 LLJ 283

Hon'ble Judges : S.C. Dharmadhikari, J; H.L. Gokhale, J

Bench : Division Bench

Advocate : V.P. Vaidya, for the Appellant; Gayatri Singh, for the Respondent

Final Decision : Dismissed

Judgement

1. Heard Mr. Vaidya in support of this petition. Ms. Gayatri Singh appears for Respondent No. 3.
2. Respondent No. 3 has raised a grievance with respect to the functioning of the Petitioner-Union. He claims to be a member of the Union. A dispute arising out of his complaint was pending before the Deputy Registrar of the Trade Union under the Trade Unions Act, 1926. The officer gave an opportunity to the Petitioner-Union and as per the noting of November 29, 2004, the Union did not file any reply either in writing or orally. Ultimately, therefore, on December 3, 2004, he has issued a certificate u/s 28(1)(A) of the Trade Unions Act referring the dispute to the adjudication of the Industrial Court.
3. It is this order which is under challenge in the present petition. Mr. Vaidya appearing for the Petitioner state/ that on an earlier date the Petitioner-Union had sought time to give further particulars. It was further submitted that the necessary papers and instructions should be sent to the Union at a particular address. All these requests were not being looked into and, therefore, this order of (sic) reference is bad.
4. Ms. Singh has filed an affidavit-in-reply of Respondent No. 3. It is accepted

and rightly so in Para 4 that the consent certificate means nothing more than a reference and the dispute is finally to be decided by the Industrial Court. Ms. Singh points out that there has been an order of the learned single Judge of this Court directing the Deputy Registrar to decide the proceeding before him within 15 days, which is stated in Para 4 of the reply.

5. In view of what is stated above, we do not find anything wrong on the part of the Deputy Registrar in issuing the consent certificate. Petition is rejected.