

(2021) 11 BOM CK 0033

In the Bombay High Court

Case No : Writ Petition (ST) No. 21699 Of 2021

MSRTC

APPELLANT

Vs

Sangharsh St. Kargar Sanghatana And Others

RESPONDENT

Date of Decision : 08-11-2021

Acts Referred:

Citation : (2021) 11 BOM CK 0033

Hon'ble Judges : S.J. Kathawalla, J; Surendra P. Tavade, J

Bench : Division Bench

Advocate : G.S. Hegde, P.M. Bhansali, Kranti L.C, Kaustubh Gidh, Gunratan Sadavarte, Hoshang S. Tafti, P.P. Kakade, M.M. Pabale,, B.V. Samant, Shekhar Channe, Madhav Kale, Jyoti Bharti, Ajaykumar B. Gujar, Anand Manohar Helgaonkar, Samadhan Maruti Kamble, Lubal J. Kisan, Ajit Magre, Sachin Hirwale, Ajay Gujar

Judgement

1. Admittedly, the demand of the workers of the MSRTC is that they should be treated as employees of the State Government. For this reason workers of MSRTC as stated in our earlier orders are on strike. Though by our earlier Orders we have directed the workers to resume their duties and the Order has been breached, an attempt has been made to amicably resolve the above issue raised by the workers, by requesting the Government to sympathetically consider the demand of the workers of the MSRTC. With the assistance of the parties and their Advocates before us and after considering their suggestions/inputs, the following Order is passed :

A] A Committee shall be constituted today itself, comprising of the following officials :

(i) The Chief Secretary, Government of Maharashtra;

(ii) Additional Chief Secretary, Finance Department, Government of Maharashtra;

and

(iii) Additional Chief Secretary, Transport, Government of Maharashtra.

(iv) The Managing Director of MSRTC shall act as a co-ordinator and assist the above Committee. He shall have no powers in the decision making.

B] The Committee shall hear the representatives of the 28 unions and the representatives of the MSRTC and thereafter, submit their decision/recommendations to the Chief Minister, State of Maharashtra.

C] The Chief Minister, State of Maharashtra will consider the recommendations and submit the same to the Court with his views/opinion on the said recommendations.

D] Upon such report being submitted to this Court, all contentions of the parties are kept open.

E] The entire exercise shall be completed within a period of twelve weeks from today.

F] The Committee shall inform the Court every fortnight qua the progress made by them i.e. the status of the hearing given by them to the 28 unions as well as the representatives of the MSRTC.

G] The Government Resolution (GR) notifying the formation of the above Committee for the purpose of considering the issue raised by the workers of the MSRTC, namely, to treat them as employees of the State Government will be issued today by 3.00 pm.

H] The meeting of the Committee will be held at 4.00 p.m. and the minutes will be placed before the Court at 5.00 p.m. recording therein that the Committee has met today pursuant to the GR to consider the issue raised by the workers of the MSRTC that they be treated as employees of the State Government and fixing the next meeting within 10 (ten) days from today.

I] Upon such minutes reaching the Court at 5.00 pm before us and being perused by all the Advocates present before us, the unions representing the employees of MSRTC shall forthwith withdraw the strike/agitation and resume their duties.

J] None present before us have raised any objection to this order since it protects the interest of all the parties before us.

Stand over to 5.00 p.m., today.