

(2022) 11 BOM CK 0008
In the Bombay High Court
Case No : Writ Petition No.2348 Of 2022 (F)

Sesa Goa Workers Union Rep. By Its General Secretary
Ramesh Sinari

APPELLANT

Vs

Ministry Of Labour And Employment And 2 Ors.

RESPONDENT

Date of Decision : 04-11-2022

Acts Referred:

Industrial Disputes Act, 1947 — Section 25N(3)

Citation : (2022) 11 BOM CK 0008

Hon'ble Judges : Valmiki SA Menezes, J

Bench : Single Bench

Advocate : Gaurish Agni, Suhas Naik, Kishan Kavlekar, Sunaina Chodankar, Pravin Faldessai, S.S. Kantak, Darshan Gosavi, Abhijit Gosavi, G. Naik, A. Naik

Final Decision : Disposed Of

Judgement

Valmiki Sa Menezes, J

1. This petition takes exception to order dated 01.09.2022 and order dated 25.10.2022 passed by the Joint Secretary, (Industrial Relations) on an application moved by Respondent No.3 under Section 25-N(3) of the Industrial Disputes Act, 1947 seeking permission for retrenchment of 443 workmen claimed to be represented by the Petitioner-Union.

2. Learned Counsel Mr. Pravin Faldessai, Deputy Solicitor General of India appearing for Respondent Nos.1 and 2 and Learned Senior Counsel Mr. S.S. Kantak appearing with Mr. Darshan Gosavi, Mr. Abhijit Gosavi, Mr. G. Naik and Mr. A. Naik for Respondent No.3 waive service. Learned Senior Counsel Mr. S.S. Kantak for Respondent No.3 submits that Respondent No.3 would file an affidavit in reply to oppose the admission of the petition and interim relief sought therein and seeks two weeks time for filing the same.

3. Considering the controversy in the petition, the Respondent No.3 is granted two weeks to file its affidavit in reply. The Counsel for the Petitioner, on

instructions, makes a statement that the workmen have till date not been paid retrenchment compensation and gratuity, as directed in the conditions No. (i) and (ii) passed by the Authority in order dated 01.09.2022 , In view of this position, it would be appropriate that the Petitioner is secured with an interim relief to the limited extent that the impugned order dated 01.09.2022 shall not be acted upon or implemented by the Respondent No.3 until the next date of hearing. The Respondent No.3 is so directed.

4. Affidavit in reply or Respondent No.3 to be filed by 25.11.2022 with an advance copy to the Petitioner. Rejoinder, if any, to be filed by the Petitioner with advance copy by 30.11.2022. Matter be placed for admission on 06.12.2022.

5. It is agreed by the parties that the matter would be finally disposed of at the stage of admission.