
(1987) 07 BOM CK 0062
In the Bombay High Court
Case No : Appeal No. 926 of 1983

Vasudeo Ambre

APPELLANT

Vs

State of Maharashtra and others

RESPONDENT

Date of Decision : 23-07-1987

Acts Referred:

Industrial Disputes Act, 1947 — Section 2

Citation : (1988) 1 LLJ 464

Hon'ble Judges : V.P. Tipnis, J;S.P. Bharucha, J

Bench : Division Bench

Judgement

S.P. Bharucha, J.—The appeal impugns the order of summary dismissal of the Appellant's writ petition with the single word "Rejected."

2. The Appellant was employed by the Mill Mazdoor Sabha (the second respondent herein) which is a trade union registered under the Trade Union Act, 1926. The Appellant's services were terminated. It was the Appellant's contention in conciliation proceedings which he initiated that his dismissal was actuated by malafide considerations. A failure report was filed in the conciliation proceedings. Thereafter, by an order dated 31st May 1982, the State of Maharashtra (the first respondent) denied to refer the dispute for adjudication since "the disputant Shri Vasudeo Ambre is not a workman within the meaning of the Industrial Disputes Act vide Section 2(s)".

3. The Appellant filed the writ petition to assail the refusal to refer upon this ground. The learned single Judge, as aforesaid, rejected the writ petition.

4. It would appear that the refusal to refer was based on the assumption that the second respondent was not an "industry" and, therefore, appellant was not a "workman". No provision is pointed out to us which indicates that a trade union may not carry on any activities other than trade unionism. It is, therefore, conceivable that a trade union may in certain circumstances be an industry and, if it is an industry, a reference would be called for. In refusing to refer upon the

ground stated the first respondent might, therefore, be held to have indulged in adjudication, which is impermissible.

5. This does, therefore, appear to us to be a matter which should not have been summarily rejected. Consideration in greater depth was, we think, required.

6. Accordingly, the order of summary rejection set aside and is substituted by the following :

"Rule Expedited".

7. No order as to costs.