
(1985) 07 BOM CK 0022

In the Bombay High Court

Case No : Writ Petition No. 1930 of 1983

Vidarbha Engineering Industry

APPELLANT

Vs

Member, Industrial Court and Others

RESPONDENT

Date of Decision : 30-07-1985

Acts Referred:

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

Citation : (1986) 1 BomCR 66

Hon'ble Judges : H.W. Dhabe, J

Bench : Single Bench

Advocate : A.B. Oka, for the Appellant; P.C. Marpakwar, for respondents 3, 5, 7, 8, 11, 17 and 19, for the Respondent

Final Decision : Allowed

Judgement

H.W. Dhabe, J.—This is a writ petition arising out of the interim relief granted by the Court below asking the petitioner to reinstate the respondents 3 to 23 by way of an interim measure pending decision in their cases filed by them under sections 28 and 30 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short the Act). The power is exercised by the Courts below u/s 30(2) of the Act.

2. It is not in dispute between the parties that the petitioner industry was closed on 1-4-1983 from which date the services of the respondents 3 to 23 also stood terminated. Since admittedly the industry of the petitioner is closed, there is no question of granting any relief of reinstatement by way of an interim relief pending decision in the said cases because granting the same would amount to directing the petitioner to reopen his industry. It is open to doubt whether the Labour Court has, even at the time of deciding the case finally u/s 30(1) of the Act, such a power to direct the petitioner to reopen his industry. The contention raised on behalf of the petitioner is well founded. The impugned orders, therefore, deserve to be set aside.

3. In the result, the writ petition is allowed. The impugned orders of the courts below are hereby set aside. Rule made absolute in the above terms. However, in the circumstances of the case, there would be no order as to costs.