

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 9669 OF 2019

Maharashtra Veej Kantrati Kamgar SanghPetitioner

versus

Maharashtra State Electricity Distribution
Company Limited and Anr.Respondents

Mr. V.P. Vaidya a/w Shraddha Chavan i/b M.M. Agavekar, for
the Petitioner.

Mr. Kiran Gandhi i/b Little and Co., for Respondent No.1.

Mrs. M.P. Thakur, AGP for Respondent No.2-State.

**CORAM : RANJIT MORE &
N. J. JAMADAR, JJ.**

DATE : 13th September, 2019.

P. C. :

The petitioner is a registered Trade Union claiming to be representing near about 7000 workers, working with respondent no.1 through contract. The contention of the petitioner is that the contract is sham and bogus and they are in fact the employees of respondent no.1.

2. The petitioner has approached this Court apprehending discontinuation of the work contract, since

respondent no.1 has issued an advertisement for recruitment of regular employees.

3. Learned Counsel for the petitioner submits that so far as 1335 members of the petitioner are concerned, they have already invoked section 10 of the Industrial Disputes Act, and the reference to the Industrial Court is pending for adjudication. The contention of the petitioner in this reference is that they are working with respondent no.1 and the contract is sham and bogus and they are working in vacant posts and the work is permanent and perennial. The petitioners have also filed an application on behalf of 1335 workers for interim relief before the Industrial Tribunal.

4. The petition is opposed by the learned counsel for respondent no.1. He contended that the members of the petitioner are not the regular employees and, in fact, they are employees of the contractor. He further submitted that respondent no.1 wants to fill the posts by regular employees. He further contended that the petitioner's members have not participated in the selection process and the selection process to appoint regular employees is at an advanced stage.

5. In above circumstances, we are not inclined to entertain this petition, especially when the members of petitioner have already approached Industrial Tribunal. We, however, request the Industrial Tribunal to decide the application for interim relief as expeditiously as possible and preferably, within a period of four weeks from the date of receipt of this order.

6. So far as the other list filed by the petitioner, consisting of 1896 members are concerned, the petitioner has already approached the Government under section 10 of the Industrial Disputes Act and the conciliation proceedings were completed and petitioner is waiting for the reference order. We make it clear that so far as these persons are concerned, in the event a reference to the Tribunal is made by the Government, the petitioner shall be at liberty to apply to the Industrial Tribunal for interim orders. Such application, if any, shall be decided expeditiously.

7. We further make it clear that the recruitment process initiated by the respondent no.1 to fill regular posts, shall be subject to the final outcome of the reference, already filed by

the petitioner.

8. Subject to above, petition is disposed of.

[N. J. JAMADAR, J.]

[RANJIT MORE, J.]