

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1112 OF 2009

M/s.Vindhyachal Security & Detective Services ...Petitioner
V/s.
M.I.D.C. Karmachari Mahasangh & Ors. Respondents

Mr.Kiran Bapat i/b M/s.Desai Desai Associates for the Petitioner.

Ms.Navneet Chahal for Respondent No.1.

Mr.Navdeep Vora for Respondent Nos.2 and 3.

CORAM : S.J. VAZIFDAR, J.
DATE : 6TH JANUARY, 2010.

P.C. :-

1. In view of the judgment of the Division Bench of this Court in *Krantikari Suraksha Rakshak Sanghatana v. S.V. Naik & Ors., 1993(1) CLR 1003*, it is arguable that the application for difference in wages ought to have been made before the Security Guards Board under the Security Guards Act, 1981. The said Act has been held by the Division Bench to be a complete code. On the other hand, it is contended that the Act does not provide for any unfair labour practice.

2. While I am inclined to issue rule, I am not inclined to grant an unconditional stay of the impugned order. Prima-facie at least the concerned workmen were deployed at the establishment of the M.I.D.C. - Respondent No.2. In view of Section 1(4) of the said Act therefore, prima-

facie the Act would be applicable.

3. In the circumstances, rule. Stay to the impugned order subject to the Petitioner depositing in Court 50% of the amount directed by the impugned order on or before 31.3.2010. It is clarified that the pendency of this Writ Petition shall not prevent Respondent No.1 from adopting any other proceedings including under the Security Guards Act for recovery of the dues.