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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION (L) NO. 15079 OF 2021

SUBRATA ROY ..PETITIONER
VS.
SAHARA INDIA KAMGAR SANGHATANA ..RESPONDENT

**WITH
WRIT PETITION (L) NO. 15094 OF 2021**

SEEMANTO ROY ..PETITIONER
VS.
SAHARA INDIA KAMGAR SANGHATANA ..RESPONDENT

Mr. Mahesh Shukla i/b. Mr. Niraj Prajapati for the petitioners.
Ms. Seema Chopda for respondent.

CORAM : M.S.KARNIK, J.

**DATE : JULY 20, 2021
(VIA V.C.)**

P.C.:-

Heard learned counsel for the petitioners and learned counsel for the respondent.

2. Challenging the impugned order passed by the Industrial Court, learned counsel for the petitioners submits that the respondent nos. 4 - Subrata Roy and respondent No.5 - Seemanto Roy are not necessary party for the adjudication of the complaint of unfair labour practice. He invited my attention to

the pleadings in the complaint of unfair labour practice. What is under challenge are the transfer orders issued of the employees which according to the respondents is a malafide action. The relevant prayer in the complaint is for quashing and setting aside the transfer of the employees mentioned at paragraph 3. So far as the petitioners are concerned, an averment is to be found in paragraph 3(b) of the Petition that the "Sahara India Pariwar" is controlled and administered by Mr. Subrata Roy. Then in paragraph (c) it is stated that M/s. Sahara India T.V. Network Limited and M/s. Sahara India Financial Corporation Limited are the units of the company. Shri Subrata Roy is the Chairman and Managing Director of the company. Shri Seemanto Roy and Shri Somesh Bose are Executive Director and Assistant General Manager, respectively and Mr. Ehtiram Ali is purported to be the Manager H.R.. It is further pleaded that the respondent Nos. 4 to 6 are looking after day to day affairs of the company and are also having actual control including the personnel and administrative affairs of the company. It is pleaded that the respondent No.7 has issued the letter of illegal and malafide transfer to the employees concerned in the complaint. It is therefore stated that all the respondents are jointly and/or severally liable for the unfair labour practices complained herein and have been impleaded as respondents in the present complaint.

3. It can thus be seen that the allegations of malafides are made principally against the respondent No.7 and respondent Nos. 4 who are looking after day to day affairs of the company and are also having actual control including the personnel and administrative affairs of the company.

4. Learned counsel for the respondent opposing the Petition contended that it is necessary for the respondent Nos. 4 and 5 to be in the array of respondents as huge arrears of wages are payable and ultimately it is the responsibility of the respondent Nos. 4 and 5, who are having ultimate control over the affairs of the company to pay the wages in case the transfer orders are interfered with.

5. In my prima facie opinion, considering the averments made in the complaint, the respondent Nos. 4 and 5 are not necessary parties for the adjudication of the complaint (unfair labour practice). As debatable questions are raised, hence **Rule**. The service of rule is waived by learned counsel for the respondent.

6. I am informed that the complaint of unfair labour practice is already expedited by this Court in Writ Petition No. 567 of 2021

and obviously the same will be taken to its logical conclusion by the Industrial Court.

7. In the event of any difficulty, liberty to the respondents to move this Court. Hearing is expedited.

8. In the meantime, there shall be an ad-interim order in terms of prayer Clause (g).

(M.S. KARNIK, J.)