



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.5290 OF 2019
WITH
CIVIL APPLICATION NO.9297 OF 2019
IN WP/5290/2019

SIEMENS LTD THROUGH ITS MANAGER HR
VERSUS
SHENDRA SIEMENS KAMGAR / KARMACHARI SANGHATANA
THROUGH SECRETARY

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Advocate for the Petitioner : Shri Sudhir Talsania, Senior Advocate h/f
Shri Marlapalle Yugant R.

Advocate for the Respondent : Shri Kawre B.R.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 10th December, 2019

Per Court:

1 This matter was very briefly heard and in fact, the submissions on merits of the matter had not commenced, since I called upon the parties to point out as to which is the order of reference passed by the Deputy Commissioner of Labour on the basis of the failure report submitted by the Conciliation Officer that has led to the judgment of the Industrial Tribunal dated 02.11.2018 in Reference (IT) No.8/2014, impugned in this petition.

2 After considering the submissions of the parties, it appeared that there was some confusion as regards the order of reference of the



Deputy Commissioner of Labour, which was registered as Reference (IT) No.8/2014 since there is another Reference (IT) No.6/2014 between the parties. I, therefore, referred to the record and proceedings received from the Industrial Tribunal with reference to Reference (IT) No.8/2014. It is thus, revealed that the order of reference at pages 30, 31, 32 and 33 in the petition paper book is one which is dated 14.08.2014 and is not connected with Reference (IT) No.8/2014. The order of reference dated 03.11.2014, which is part of the record and proceeding received in this Court, is the order which led to the registration of the reference as Reference (IT) No.8/2014.

3 As such, leave to replace the order of reference dated 14.08.2014 with the order of reference dated 03.11.2014, to be carried out within two weeks from today.

4 By consent of the parties, stand over to 13.01.2020.

5 The execution proceeding initiated by the respondent union before the Industrial Court under item 9 of Schedule IV in Complaint (ULP) No.34/2019 has been adjourned earlier by the consent of the parties since there was a possibility that this matter would have been heard expeditiously. The said order is now continuing for almost six months.

6 Shri Kawre, learned advocate, therefore, submits that the respondent union is a bit disturbed as they are not getting the fruits of the



award, which is in their favour. He submits that some order as regards some payment of lump-sum amount in order to grant some relief to the workers, would be necessary.

7 The learned senior advocate appearing on behalf of the petitioner, on instructions, submits that on the next date, the petitioners would be ready after carrying out the above stated directions of this Court and this Court may consider as to what interim orders could be passed in the light of the prayer of the respondents.

8 As such, the request of the respondent union would be considered on the next date.

kps

(RAVINDRA V. GHUGE, J.)