

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO.2620 OF 2022-F

UNITED MINE WORKERS UNION THR.
ITS GENERAL SECRETARY PUTI
GAONKARPetitioner.
VS
SESA RESOURCES LIMITED THR.
AUTHORISED SIGNATORY AND 2 ORS.Respondents.

Mr. S. Gaonkar, Advocate for the petitioner.
Mr. S.S. Kantak, Senior Advocate with Mr. A. Gosavi, Mr. A. Naik
and Mr. G. Naik, Advocate for the respondent no.1.
Mr. P. Faldessai, Deputy Solicitor General of India for respondent nos.
2 and 3.

CORAM: G. S. KULKARNI, J.
DATE: 13 DECEMBER 2022.

P.C.:

1. The issue as raised in this petition is in regard to the retrenchment of the 114 employees of respondent no.1 due to the stoppage of mining activities. The employer respondent no.1 had approached the Central Government with an application seeking an for approval to retrench 114 workmen engaged by respondent no.1 at Surla Iron Ore Mines and others, Goa.

2. Now a final order has been passed being the impugned order dated 30 November 2022 wherein the learned Specified Authority and Joint Secretary (Industrial Relations & FA) Ministry of Labour and Employment, Government of Goa has granted the application as filed by the respondent no.1 granted permission for retrenchment of 114 workmen.

3. The challenge as mounted in the writ petition on behalf of the petitioner-Union is on the ground that some vital material has not been considered while passing the impugned order.

4. On the other hand, Mr. Kantak, learned Senior Counsel appearing for the respondent no.1 has contended that impugned order is a reasoned order and each and every aspect in regard to termination has been considered which according to him is expressly clear from the discussion on the several issues as contained in the impugned order. It is his contention that conclusion and operative order is the sequel to such discussion.

5. Today it is the first listing of this petition. Mr. Kantak has raised preliminary objection to the maintainability of the petition on the ground that an alternate remedy is available to the petitioner, to

approach the Industrial Tribunal by availing of a reference under the provisions of Industrial Disputes Act. In support of such contention reliance is placed upon a decision of the Delhi High Court in the case of *PTI Employees Union VS Press Trust India Ltd.*¹

6. In the aforesaid circumstances, it would be appropriate that a short reply affidavit is placed on record by the respondents, so that parties can be heard finally at the stage of admission.

7. Let the reply affidavit be placed on record on or before 2 January 2023. Rejoinder, if any, to be filed within one week thereafter.

8. List the petition for further hearing on 17 January 2023.

9. Till the parties are heard on the adjourned date of hearing, any further steps under impugned order shall not be taken.

G. S. KULKARNI,J.

1 2020 SCC online Del 1216.