

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
Civil Appeal No. 14663 of 2015

THANE MUNICIPAL CORP. & ORS.

Appellants

VERSUS

MUNICIPAL LABOUR UNION

Respondent

O R D E R

This appeal takes exception to the order dated 26.2.2013 passed by the High Court of Judicature at Bombay in Writ Petition No. 388 of 2013, which has confirmed the interim order passed by the Industrial Court, Thane, dated 6.12.2012 in Complaint (ULP) No. 416 of 2011. The said complaint has been filed by the respondent-Union, in which an interim application was moved, praying for the following reliefs:-

"(a) to restrain the respondents from refunding the amount of membership lying with the Corporation.

(b) to direct the respondents to pay an amount equivalent to the entire amount of membership collected/deducted and not paid to the complainant so far from wages of employees in the name of complainant Union for the period July to December, 2011.

(c) to direct the respondents to handover the amount of membership lying with the office of Corporation, of such employees whose membership have been deducted pursuant to consent letters given in favour of complainant."

The complaint has been filed under Section 28 read with Items 9 and 10 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practice Act, 1971, alleging failure on the part of the appellants in implementing the award, settlement or agreement. The reliefs prayed for in the said complaint are

as under:-

"(a) hold and declare that the respondent have engaged in unfair labour practice under Items 9 and 10 of Schedule IV of the MRTU and PULP Act, 1971.

(b) direct the respondents to cease and desist from engaging in unfair labour practice complained of hereinabove.

(c) to quash and set aside the circulars dated 18.10.2011 and 3.11.2011.

(d) to direct the respondents to pay an amount equivalent to the entire amount of membership collected/deducted and not paid to complainant so far from wages of employees in the name of complainant union for the period July to December, 2011.

(e) to restrain the respondents from refunding the amount of membership lying with the Corporation.

(f) to direct the respondents to handover the amount of membership lying with the office of Corporation, of such employees whose membership have been deducted pursuant to consent letters given in favour of complaint.

(g) any other relief this Hon'ble Court may deem fit and proper.

(h) ad-interim or interim order in terms of prayers (d) to (f) above.

(i) cost of the complaint.

(j) compensation of Rs.50,000/- in favour of the complainant."

This court while issuing notice on 2.7.2013, stayed the operation of the order dated 6.12.2012 passed by the Industrial Court, Thane in Complaint (ULP) No. 416 of 2011. That interim order has been continued during the pendency of this appeal, as a result of which the interim direction given by the Industrial Court has not been acted upon.

We have heard Mr. Vinay Navare and Ms. Abha R. Sharma, learned counsel appearing for the appellants and Ms. Sneha Mukherjee and Ms. Jyoti Mendiratta, learned counsel for the respondent-Union. The grievance of the appellants is that the Industrial Court has in effect passed mandatory direction against the appellants at the interim stage of the proceedings. The reasons which weighed with the Industrial Court, as affirmed by the High Court, for passing such order, according to the appellants, are untenable. The respondent-Union on the other hand, contends that the interim direction given by the Industrial Court is just and proper, and needs no interference.

After considering the rival submissions, we are of the view that the interests of justice would be met if the interim arrangement directed by this Court is continued, and the Industrial Court is directed to decide Complaint (ULP) No. 416 of 2011 expeditiously, preferably within three months from the receipt of a copy of this order. We refrain from examining the contentions raised before us, as we are of the considered opinion that it will have a bearing on the main relief claimed in the complaint, which we have directed to be decided expeditiously.

Accordingly, we set aside the interim order dated 6.12.2012 passed by the Industrial Court below Exh. No. U-2 in Complaint (ULP) No. 416 of 2011, and the impugned decision of the High Court affirming the same on 26.2.2013.

The appeal stands allowed. We, however, clarify that we have not expressed any opinion on the merits of the controversy, which will have to be considered by the Industrial Court in the pending complaint. All questions in that behalf are left open.

The appeal is accordingly disposed of in the  
aforementioned terms, with no order as to costs.

.....CJI.  
[Dipak Misra]

.....J.  
[A.M. Khanwilkar]

.....J.  
[Dr. D.Y. Chandrachud]

New Delhi;  
November 17, 2017.

ITEM NO.10

COURT NO.1

SECTION III

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

IA 109373/2017 in Civil Appeal No. 14663/2015

THANE MUNICIPAL CORP. & ORS.

Appellants

VERSUS

MUNICIPAL LABOUR UNION

Respondent

(FOR EARLY HEARING)

Date : 17-11-2017 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE A.M. KHANWILKAR  
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Appellant(s)

Mr. Vinay Navare, Adv.  
Ms. Gwen Kartika, Adv.  
Ms. Abha R. Sharma, AOR

For Respondent(s)

Ms. Sneha Mukherjee, Adv.  
Ms. Jyoti Mendiratta, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The appeal is allowed in terms of the signed order.

I.A. 109373/2017 and other pending interlocutory applications, if any, stand disposed of.

(Deepak Guglani)  
Court Master

(H.S. Parasher)  
Assistant Registrar

(Signed order is placed on the file)