

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).32654/2009

(From the judgement and order dated 13/04/2009 in WP No. 1148/2008
of The HIGH COURT OF BOMBAY)

ASSOCIATION OF ENGINEERING WORKERS Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS. Respondent(s)

(With prayer for interim relief and office report)

Date: 13/09/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.
Mr. Divya Jyoti, Adv.for
Ms.Jyoti Mendiratta,Adv.

For Respondent(s) Mr. Gopal Singh,Adv.

Mr. Sachin Pail, Adv.for
Ms. Asha Gopalan Nair ,Adv

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

Leave granted.

The Appeal is allowed in terms of the signed order.

(Parveen Kr. Chawla) (Indu Satija)
Court Master Court Master
[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7967 OF 2010
(Arising out of S.L.P.(C) No.32654 of 2009)

Association of Engineering Workers ..Appellant

versus

State of Maharashtra & Others ..Respondents

O R D E R

Leave granted.

Heard learned counsel for the parties.

This Appeal has been filed against the impugned judgment and order dated 13th April, 2009 passed by the High Court of Judicature at Bombay in Writ Petition No. 1148 of 2008.

It appears that a writ petition was filed in the High Court against the order of the Conciliation Officer refusing to refer the dispute under the Industrial Disputes Act, 1947 (for short 'the Act'). A perusal of the order of the Conciliation Officer shows that the Conciliation Officer has himself gone into the merits of the dispute.

It is well settled by this Court that he cannot do so vide Sarve Shramik Sangh vs. Indian Oil Corporation Ltd. & Others reported in 2009(6) SCALE 73.

In the circumstances, we allow this appeal, set aside the impugned order and direct the Conciliation Officer to send a report to the State Government in terms

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of Section 12(4) of the Act which will then pass appropriate orders in accordance with law. No costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;
SEPTEMBER 13, 2010

.....J.
[T.S. THAKUR]