

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3246 OF 1994

PANDURANG S/O MARUTIRAO MANE

PETITIONER

VERSUS

THE LIQUIDATOR, OSMANABAD
DIST. KRISHI AUDYOGIK SARVA SEVA
SAHAKARI SOCIETY

RESPONDENT

Mr.V.G.Sakolkar, Advocate for the petitioner.

Mr.U.K.Patil, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 18/06/2015

PER COURT :

1. I have heard Mr.V.G.Sakolkar, learned Advocate for the petitioner and Mr.Patil, learned Advocate on behalf of the sole respondent.

2. This matter was Admitted by order dated 22/11/1994 and Rule was expedited.

3. On 11/06/2015, this Court had observed as under :-

“1. None appears for the petitioner.

2. This matter pertains to 1994 and is listed for final hearing.

3. In the light of the above, stand over to 18/06/2015 for final

hearing. Petitioner to note that in the event the petitioner chooses to remain absent, this petition would be dismissed in default."

4. I have heard the learned Advocates and have gone through the petition paper book with their assistance.
5. The judgment and award delivered by the Labour Court dated 28/01/1993 in Ref.(IDA) No.8/1992 is challenged in this petition.
6. The following details emerged from the record :-
 - (a) The petitioner was dismissed from service on 03/05/1979 on the allegations of mis-appropriation after having put in 19 years service from 21/11/1960.
 - (b) He alleged non-compliance of the provisions of the Industrial Disputes Act, 1947 in terminating his services.
 - (c) He had not committed any mis-conduct and he was punished in violation of the principles of natural justice as no enquiry was held.
 - (d) The Management brought it on record through the certified copy of the judgment and order dated 02/12/1982 delivered by the Labour Court, Solapur that the complaint (ULP) No.26/1979, which was filed by the petitioner for challenging the said order of dismissal dated 03/05/1971, was dismissed by the Labour Court.
 - (e) For the same cause of action, Reference (I.D.A.) 8/1992 was

brought before the Labour Court at Latur leading to the impugned judgment and award.

- (f) No revision petition u/s 44 of the MRTU and PULP Act, 1971 was filed by the petitioner, which leads to the conclusion that he accepted the verdict of the Labour Court, Solapur dated 02/12/1982.
- (g) The cause of action put forth by the petitioner in complaint (ULP) No.26/1979 was declined to be reconsidered by the Labour Court, Latur while delivering the impugned judgment and award dated 28/01/1993.
- (h) The respondent society has gone into liquidation.
- (i) By an order dated 15/06/2010, delivered by this Court in W.P.No.234/1993, filed by the respondent herein against Digambar Nivaratirao Jadhav, copy of which is placed on record and marked as Exhibit 'X', the writ petition was disposed of, as being infructuous.

7. Having considered the fact situation as recorded above, I am not able to accept the strenuous submissions of Mr.Sakolkar that this petition deserves to be allowed by holding that the impugned judgment and award dated 28/01/1993 is perverse. As such, I do not find any merit in the petition. The same is therefore dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)