

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3998 OF 1994

1. The Village Panchayat
Osmanpur, Tq. Partur,
District Jalna through
Village Development Officer.

2. Omprakash Sheshrao Raut,
Age major, Occ. Agriculture
and Sarpanch R/o Osmanpur,
Tq. Partur, Dist. Jalna.

..Petitioners

Versus

1. Rohidas Natha Galabe,
Age major, Occ. service,
R/o Osmanpur,
Tq. Partur, Dist. Jalna.

2. Ramrao Sitaram Raut,
Age major, Occ. Kotwal,
R/o Osmanpur,
Tq. Partur, Dist. Jalna.

3. Dy. C.E.O. Gram Panchayats,
Zilla Parishad, Jalna.

..Respondents

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Advocate for Petitioners : Shri Nitin N. Jagtap h/f Shri V.D.Salunke

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 08, 2015

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ORAL JUDGMENT:-

1. The petitioners have challenged the ad-interim order dated 9.6.1994 passed on an application for interim relief and the order dated 19.8.1994 on the application for framing a preliminary issue in Complaint (ULP) No. 1314 of 1994.

2. Shri Salunke, learned Advocate for the petitioners has strenuously criticized both the impugned orders. He submits that the Industrial Court has no jurisdiction to entertain the complaint filed by the respondent No.1. He also contends that due to lack of jurisdiction, the ad-interim order passed by the Industrial Court on 9.6.1994 is unsustainable.

3. Though Shri Salunke has canvassed all the grounds for challenge and has put forth his submissions in extenso, I am not inclined to entertain this petition. Interim relief was not granted by this Court while admitting the petition on 6.7.1995.

4. The impugned order dated 9.6.1994 is by way of an ex-parte ad-interim order passed by the Industrial Court while issuing notice to the petitioners. By the second impugned order, dated 19.8.1994, the Industrial Court has noted that after the petitioners file their detailed written statement to the allegations set out in the complaint, the preliminary issue with regard to the maintainability of the complaint would be decided.

5. Considering the fact that these two orders protect the interest of the petitioners, are equitable and the nature of the orders passed, no interference is called for. The petition is, therefore, dismissed. Rule is discharged.

6. It be noted that in the event, Complaint (ULP) No.131 of 1994 is still not decided by the Industrial Court, Jalna keeping in view that this Court

had not granted any interim relief to the petitioners, the Industrial Court shall decide the issue of jurisdiction expeditiously All contentions of the litigating sides are kept open.

(RAVINDRA V. GHUGE, J.)

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