

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10254 OF 2014

1. Sanjay Shankar Bhagwat
Age 42 years, Occ. Labour,
R/o Laxmi Nagar, Velhanirde,
Gunjalwadi, Tq. Sangamner,
District Ahmednagar.

2. Tanaji Savleram Chaudhari,
Age 42 years, Occ. Labour,
R/o Ambhol, Taluka Akole,
District Ahmednagar

3. Riyaz Kasam Khan Pathan,
Age 46 years, Occ. Labour,
R/o Rajur, Taluka Akole,
District Ahmednagar.

4. Balasaheb Baban Vairal,
Age 39 years, Occ. Nil,
R/o Bota, Tq. Sangamner,
District Ahmednagar.

5. Rangnath Khandu Kadu,
Age 43 years, Occ. Labour,
R/o Khuntewadi, Post
Brahmangaon, Tq. Akole,
District Ahmednagar

..Petitioners

Versus

1. Deputy Conservator of Forest,
Van Bhawan, Nagar-Aurangabad
Road, Tq. and Dist. Ahmednagar.

2. Forest Range Officer,
Sangamner Division No. 7,
Sangamner Khurd, Tq. Sangamner,
District Ahmednagar.

3. Forest Range Officer,
Sangamner Division No.3,
Sangamner Khurd, Tq. Sangamner,
District Ahmednagar.

4. Forest Range Officer,
Akole Region, Akole,
District Ahmednagar.

..Respondents

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Advocate for Petitioners : Shri Bhosale M.K. h/f Shri Barde P.V.
Advocate for Respondents 1 to 4 : Shri Gaddime A.N.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: August 05, 2015

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ORAL JUDGMENT :-

1. This Court, while issuing notice on 24.2.2015, has observed as under:-

"1. Heard the learned counsel for the petitioners. The petitioners joined the services of the respondents as daily rated employees. They were terminated by the respondents and therefore, they had filed complaint before the Labour Court, Ahmednagar. The said complaint was dismissed and against that the petitioners had preferred Revision before the Industrial Court. The learned Member of Industrial Court has dismissed the Revision solely on the ground of limitation.

2. The learned counsel for the petitioners submits that so far as the provisions of Section 44 of Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practice Act, 1977, is concerned, there is no question of limitation and thus the impugned order is erroneous, improper and illegal.

3. In view of this, issue notice before admission to the respondents.

4. Learned A.G.P. waives service of notice for all respondents and seeks time. Time granted. Stand over to 24.3.2015.”

2. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

3. The learned Advocate for the petitioner refers to the operative part of the impugned judgment, dated 9.1.2014, delivered by the Industrial Court in Revision (ULP) Nos. 4, 47, 48, 49, 64 of 2013 and 2 of 2014 to contend that the Revision Petitions have not been entertained by the Industrial Court only on the ground that a Revision Petition under Section 44 of the the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 should be filed within three years and any such Revision Petition filed after three years from the date of order of the Labour Court under challenge is rendered untenable.

4. Learned Advocate for the respondents has vehemently opposed this petition and has strenuously defended the impugned order.

5. Having considered the impugned judgment and the contentions of the learned Advocates, I do not find that the conclusions drawn by the Industrial Court are sustainable. There is no limitation prescribed in the

filing of the Revision Petition under Section 44 of the Act. In the event there is an inordinate delay in filing such petitions, this Court may take a different view of the matter.

6. As such, this petition is allowed. The impugned order dated 9.1.2014 delivered by the Industrial Court is quashed and set aside. All the Revision Petitions are remitted back to the Industrial Court, Ahmednagar for a hearing on the merits of the Revision Petition. Rule is made absolute.

7. It needs to be noted that the petitioners have preferred only one petition for challenging the impugned order, delivered in six revision petitions which is otherwise impermissible. Since the Court fees have been deposited and the matters are being remanded to the Industrial Court, that I am not insisting upon the petitioners to file individual Writ Petitions as against the order passed in each of these Revision Petitions.

(RAVINDRA V. GHUGE, J.)

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