

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2135 OF 2012

RAMKISAN DADARAM LAHANE
VERSUS
THE STATE OF MAHARASHTRA AND ORS

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 13, 2015
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PER COURT :-

1. On 8.6.2015, this Court had considered the rival submissions of the litigating sides. Paragraph Nos.1 to 3 of the said order read as under:-

“1. This matter was heard for some time. The issues raised by the rival sides are as regards whether the petitioner was working on EGS, whether he was issued with an identity card, whether payments were made under EGS, seniority list was maintained by the Forest Department, whether the petitioner was terminated on the date of institution of Complaint (ULP) No.23/2005? I do not find that the Industrial Court has dealt with any of these issues.

2. Mr.Patil seeks accommodation to take instructions from the respondent department as to whether the Department has the EGS record pertaining to the petitioner and if yes, whether such record could be produced before the Industrial Court upon remanding Complaint (ULP) No.23/2005 for a fresh adjudication.

3. Stand over to 29/06/2015. Since the petitioner is presently allotted work, status-quo be maintained in the light of the same until further orders. ”

2. Shri Patil submits that if the matter is remanded to the Industrial Court, the respondent would lead oral and documentary evidence and produce the record to prove that the petitioner was working on EGS.

3. Shri Barde learned Advocate prays for costs, which I am not inclined to grant since his Complaint (ULP) No.23 of 2005 has been dismissed by the Industrial Court.

4. In the light of the above, the impugned judgment dated 18.11.2011 is quashed and set aside. Complaint (ULP) No.23 of 2005 is remitted back to the Industrial Court, Ahmednagar. The litigating sides shall appear before the Industrial Court on 6.11.2015. Formal notices need not be issued by the Industrial Court.

5. In addition to the oral and documentary evidence already recorded in the proceedings, the litigating sides shall be at liberty to adduce further oral and documentary evidence and the Industrial Court shall come to a conclusion as to whether the petitioner was working under the EGS or otherwise while dealing with the complaint afresh.

6. Needless to state, all contentions of the litigating sides are kept open.

7. The protection granted by this Court in paragraph No.3 of the order dated 8.6.2015, as reproduced above, shall continue till the complaint is decided by the Industrial Court.

(RAVINDRA V. GHUGE, J.)

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