

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6795 OF 2014

MUNICIPAL COUNCIL, BEED
VERSUS
SANJEEVKUMAR VASANTRAO RAKSHE

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Advocate for Petitioner : Shri Thigale Girish K. (Naik)
Advocate for Respondent : Shri Sarvadnya R.S.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: August 05, 2015
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PER COURT :-

1. The petitioner has preferred this petition, for challenging the judgment and order dated 17.6.2013, delivered by the Labour Court, Aurangabad, in Complaint (ULP) No. 27 of 2004, which was preferred under Section 28(1) of the the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971.

2. I have heard the learned Advocates. A statutory, efficacious and expeditious remedy under Section 44 in the revisional jurisdiction of the Industrial Court is available to the litigating sides. This Court, by placing reliance upon the earlier judgment in the matter of Engineering Employees Union Vs. Devidayal Rolling & Refinery Pvt. Ltd. [1986 (52) FLR 40 = 1986 Mh.L.J. 331], has concluded that a Writ Petition directly filed without exhausting the remedy under Section 44 is not maintainable.

3. In the light of the above, this petition is disposed off without advertng to the merits and the rival contentions of the litigating sides. The petitioner is at liberty to avail of the said remedy under Section 44 of the said Act.

4. Shri Naik Thigale, learned Advocate prays for condonation of delay, if any. Since no limitation has been prescribed for instituting a Revision

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2
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Petition under Section 44 of the said Act, the Industrial Court shall yet consider the period spent by the petitioner in this Court till the disposal of this petition today, as a good ground.

(RAVINDRA V. GHUGE, J.)

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