

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AURANGABAD

CRIMINAL WRIT PETITION NO. 569 OF 2013

Prabhawati Prabhakar Kaldante,
age 62 years, occ. Household,
R/o Shivaji Nagar, Nagar Kalyan Road,
Balaji Society, Ahmednagar

...Petitioner

VERSUS

Rubal Gupta (Agrawal),
age major, occ. Service as
Chief Executive Officer,
R/o C/o Zilla Parishad, Ahmednagar

...Respondent

WITH

CRIMINAL WRIT PETITION NO. 570 OF 2013

Bhagwan Trimbak Devkar,
age major, occ. Service,
R/o Mehkari, Taluka Nagar,
District Ahmednagar

...Petitioner

VERSUS

Rubal Gupta (Agrawal),
age major, occ. Service as
Chief Executive Officer,
R/o C/o Zilla Parishad, Ahmednagar

...Respondent

.....
Shri P.V.Barde, advocate for petitioner
Shri S.T.Shelke, advocate for respondent sole
.....

CORAM : V.M.DESHPANDE, J.

DATED : 28th January, 2015

ORAL JUDGMENT : -

1] Rule. Rule is made returnable forthwith. With the consent of the learned counsel for the parties heard finally.

2] Heard Shri P.V.Barde, learned counsel for the petitioners and Shri S.T.Shelke, learned counsel for the respondent.

3] These Two Writ Petition are disposed of by this common judgment, as they involve common issue. Writ petitions have chequered history of number of proceedings amongst the parties to the Writ Petition.

4] Writ petition No.569 of 2013 arises out of the order, passed by the learned Judge of the Labour Court, Ahmednagar on 11.10.2012 in Complaint ULP No. 25 of 2011, whereas Writ Petition No. 570 of 2013 arises out of the order, passed by the learned Judge of the Labour Court, Ahmednagar on 11.10.2012 in Complaint ULP No. 24 of 2011, by which the complaints under Section 48 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act (for short

'the MRTU and PULP Act') were dismissed. Against the said dismissal, appeals were carried before the learned Member of the Industrial Court, Ahmednagar. Both the appeals came to be dismissed. Therefore, the petitioners are before this court.

5] After hearing the learned counsel for the respective parties for some time, the learned counsel for the petitioners made a submission that there was no evidence on the part of the Zilla Parishad in the proceedings filed on behalf of the petitioners under Section 48 of the MRTU and PULP Act. He submitted that at the appellate stage certain documents were filed by the Zilla Parishad and on the basis of said documents the appeals were decided, thereby opportunity was not granted to the present petitioners to test the veracity of the same.

6] Learned counsel Shri S.T.Shelke, upon instructions from the officer of the Zilla Parishad, who is present in the court submitted that no evidence was adduced on behalf of Zilla Parishad during the course of the proceedings before the Judge, Labour Court, Ahmednagar.

7] Learned counsel for the petitioners submitted that instead of deciding the matter on merits before this court, the matter can be remanded back to the Labour court and the opportunity should be given to both the petitioners as well as

the Zilla Parishad to submit their respective cases to reach to the correct conclusion by the learned Judge of the Labour Court. Learned counsel for the Zilla Parishad has also submitted that the matter can be remanded back and opportunity can be given to both the parties.

8] In view of the agreement between the parties that no evidence was adduced before the Labour court in the proceedings under Section 48 of the MRTU and PULP Act, the order passed by the Judge, Labour Court, Ahmednagar, dated 11.10.2012, together with the common judgment passed by the learned Member of the Industrial Court, Ahmednagar in Criminal Appeal (ULP) No. 2 of 2012 and Criminal Appeal (ULP) No. 3 of 2012 are hereby quashed and set aside.

9] Criminal Complaint (ULP) No. 24 of 2011 and Criminal Complaint (ULP) No. 25 of 2011 are remanded back to the Judge, Labour Court, Ahmednagar. The learned Judge of the Labour Court shall grant afresh opportunity to the parties to the proceedings to adduce the evidence, both oral as well as documentary and shall decide the complaints, in accordance with law.

10] Both the learned counsel agree that their respective clients shall appear before the learned Judge, Labour Court on

12.2.2015. Needless to mention, on 12.2.2015 a responsible officer from the Zilla Parishad, Ahmednagar shall represent the Zilla Parishad.

11] With the above directions, both Criminal Writ Petitions are disposed of. Rule is made absolute in the above terms.

[V.M.DESHPANDE, J.]

dbm/crwp569.13