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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

LETTERS PATENT APPEAL STAMP NO. 22376 OF 2008

Shashikant Gulab Lahakar

APPELLANT

VERSUS

Crompton Greaves Limited,

RESPONDENT

.....
Mr. P. L. Shahane, Advocate for the appellant
Mr. A. S. Shelke, Advocate for the respondent
.....

[CORAM : R. M. BORDE AND
SUNIL P. DESHMUKH, J.J.]

DATE : 13th FEBRUARY 2015

PER COURT:

1. The appellant is objecting to the order passed by learned Single Judge in writ petition No. 4264 of 2006, decided on 26th June, 2006.
2. The appellant presented a complaint with the Industrial Court under MRTU and PULP Act wherein an application by the respondent Crompton Greaves Limited came to be presented objecting to entertainability of complaint by Industrial Court on the ground of disputed employer-employee relationship between parties. The application tendered by respondent herein at

Exhibit-10 came to be allowed and resultantly complaint tendered by the appellant came to be dismissed.

3. The appellant approached High Court by presenting writ petition No. 4264 of 2006 raising challenge to the order passed by the Industrial Court accepting objection tendered by the respondent and dismissing the complaint. The writ petition presented by the appellant has been dismissed by Single Judge on recording brief reasons, supporting the order of dismissal.

4. Learned Single Judge has observed in the order that the appellant herein had earlier invoked provisions of MRTU and PULP Act, 1971 presenting Complaint (ULP) No. 94 of 1994 against M/s Scientific Technical Services invoking Item No. 1 (a), (b), (c), (d), (e), (f) and (g) of Schedule IV of the Act. In the complaint, the appellant contended that Technical Services to the respondent are provided by M/s Scientific Technical Services at Ahmednagar. In said complaint evidence was led by the parties. So far as the petitioner is concerned, he has categorically stated in the cross examination that he was working with M/s Scientific Technical Services at Pune, Ahmednagar and Mumbai. The complaint presented by the appellant against M/s Scientific Technical Services came to be allowed by judgment and by order

dated 02.09.2005, learned Judge of Industrial Court directed reinstatement of the petitioner by said M/s Scientific Technical Services, without back wages. Learned Single Judge has drawn an inference that since complaint presented by the appellant against M/s Scientific Technical Services wherein it had been contended by the appellant that he is employee of said organization has been allowed and relief of reinstatement had been directed against said employer, contention of the appellant that he is employee of the respondent herein automatically gets negatived.

5. The logic applied by the learned Single Judge is correct and the consequent order dismissing the writ petition cannot be said to be unreasonable or irrational. Letters Patent Appeal is devoid of any substance and hence stands dismissed.

[SUNIL P. DESHMUKH, J.]

[R.M.BORDE, J.]

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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 12740 OF 2008
IN
LETTERS PATENT APPEAL STAMP NO. 22376 OF 2008

Shashikant Gulab Lahakar

APPLICANT

VERSUS

Crompton Greaves Limited,

RESPONDENT

.....

Mr. P. L. Shahane, Advocate for the applicant
Mr. A. S. Shelke, Advocate for the respondent

.....

[CORAM : R. M. BORDE AND
SUNIL P. DESHMUKH, J.J.]

DATE : 13th FEBRUARY 2015

PER COURT:

1. This is an application seeking condonation of delay of 107 days occurred in presenting letters patent appeal.
2. Heard. For the reasons recorded in the application, the application deserves to be allowed and the same is accordingly allowed. Delay occurred in presenting the letters patent appeal is condoned.

[SUNIL P. DESHMUKH, J.]
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[R.M.BORDE, J.]