

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8924 OF 2015

ABHIMANYU ARJUN PATIL
VERSUS
PAGARIYA AUTO CENTER

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Advocate for Petitioner : Shri Kishor C.Sant
Advocate for Respondent : Shri T.K.Prabhakaran

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CORAM : RAVINDRA V. GHUGE, J.
Dated: October 05, 2015

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PER COURT :-

1. The petitioner is aggrieved by the order dated 16.7.2015 delivered by the Labour Court under Section 50 of the the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 ("the said Act "), in Misc. (ULP) No.2 of 2006.
2. Shri Prabhakaran, learned Advocate appears for the respondent and submits that without exhausting remedy under Section 44 of the said Act, a Writ Petition cannot be directly filed in this Court.
3. This issue is no longer *res integra*. This Court in the matter of Engineering Employees' Union Versus Devi Dayal Rolling and Refineries Pvt. Ltd. Thane (FLR 1986 (52) 40) and MSRTC Vs. R.D.Toplewar (1987 I CLR 280) has held that Section 44 is a statutory and efficacious remedy available to a litigant. The Industrial Court under Section 44 exercises superintendence over all the Labour Courts, even on the judicial side.
4. Since the petitioner has not availed of the said remedy, this petition is disposed off keeping the the remedy open to the petitioner to avail of in relation to the impugned order dated 16.7.2015.

(RAVINDRA V. GHUGE, J.)

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