

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1139 OF 1997
AND
CIVIL APPLICATION NO. 12064 OF 2015

1. The State of Maharashtra

2. The Superintending Engineer,
Nasik Irrigation Circle,
Sinchan Bhavan, Nasik-2

3. The Executive Engineer,
Jalgaon Irrigation Division,
Jalgaon.

..Petitioners

Versus

1. Nana Tanga Ware,
R/p Kasoda, Tq. Erandol,
District Jalgaon.

2. The Presiding Officer / Judge,
Labour Court, Jalgaon.

..Respondents

...
AGP for Petitioners : Shri Sangle S.G.
Advocate for Respondent 1 : Shri Dhase Rahul P.

...

CORAM : RAVINDRA V. GHUGE, J.
Dated: October 08, 2015

...

ORAL JUDGMENT :-

1. This Writ Petition was admitted by order dated 27.3.1997. By order dated 5.10.1998, the petitioner - State was refused interim relief. By order dated 23.6.1999, passed by this Court, in Contempt Petition No.119 of 1999, vide which the petitioner was granted six days' time to comply with the judgment of the Labour Court. Learned Advocate for the respondent /

employee submits that he has been reinstated by the petitioner on 13.6.1999 and since then is working with the petitioner.

2. It was not brought to the notice of this Court that the petitioner could not have approached this Court for challenging the judgment of the Labour Court dated 21.1.1997 delivered in Complaint (ULP) No.283 of 1991 under Section 28(1) of the the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 ("the said Act ") as a statutory and efficacious remedy of revision under Section 44 of the said Act was available to the petitioner.

3. Considering the fact that this petition has been filed without exhausting a statutory and efficacious remedy and in the light of the fact that the respondent has been reinstated on 13.6.1999, this petition is disposed of without causing any interference in the impugned order. Nevertheless, in the event the petitioner is still aggrieved by the impugned judgment of the Labour Court, a remedy under Section 44 of the said Act is available to it. Needless to state, if such remedy is availed off, the pendency of this petition in this Court shall be considered by the Industrial Court.

4. Rule is, therefore, discharged.

5. Pending Civil Application does not survive as the same was for listing

this petition for final hearing. Civil Application stands disposed off.

(RAVINDRA V. GHUGE, J.)

...

akl/d