

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 3796 OF 2015

Shri Mukund Malharrao Shinde

.. Petitioner

Vs.

Pandharpur Merchants Co-operative
Bank Ltd. & anr.

.. Respondents

Mr.Jaydeep Deo, for the Petitioner.

Mr.Suhas Inamdar, for Respondent Nos.1 & 2.

***CORAM: N.M.Jamdar, J.
Wednesday 21 October, 2015***

P.C. :

This petition is filed by the original Complainant who has filed a Complaint (ULP) No. 42 of 2009 under the Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act 1971 in the Labour Court, Solapur. The Labour Court by the impugned order dated 5 August 2010 has held that the inquiry held against the Petitioner by the Respondent is fair and proper. After holding so the Labour Court would now proceed to pass final order in the Complaint.

2. The Petitioner has sought to challenge this finding on various grounds. The learned counsel for the Petitioner submits that the Petitioner has good case on merits and the findings of the Labour Court that the inquiry is fair and proper, is not correct. However,

after the impugned order, the Labour Court would proceed to examine the other aspects of the Complaint and if the order is against the Petitioner, the Petitioner can always challenge the same. Therefore, it would be appropriate that the petition is not entertained on merits at this stage, giving liberty to the Petitioner to challenge the impugned order at an appropriate stage, along with the challenge to the main order, if it goes against the Petitioner.

3. Accordingly, the Writ petition is disposed of by giving liberty to the Petitioner to challenge the finding and the conclusion reached by the Labour Court in the impugned order at an appropriate stage, and all contentions of the parties in that regard are kept open. It will be open to the Petitioner to make an application to the Labour Court for early disposal of his Complaint.

(N.M.Jamdar, J.)