

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

WRIT PETITION NO. 4999 OF 2015

Shri Hanuman Sah. Panipuravatha
Mandali Maryadit, Asurle & ors. ... Petitioners
v/s
Shri Anand Ganpati Khot ... Respondent

***ALONG WITH
WRIT PETITION NO. 5018 OF 2015***

Shri Hanuman Sah. Panipuravatha
Mandali Maryadit, Asurle & ors. ... Petitioners
v/s
Shri Sadashiv Narayan Shinde ... Respondent

***ALONG WITH
WRIT PETITION NO. 5027 OF 2015***

Shri Hanuman Sah. Panipuravatha
Mandali Maryadit, Asurle & ors. ... Petitioners
v/s
Shri Laxman Narayan Shinde ... Respondent

***ALONG WITH
WRIT PETITION NO. 5028 OF 2015***

Shri Hanuman Sah. Panipuravatha
Mandali Maryadit, Asurle & ors. ... Petitioners
v/s
Shri Bhimrao Vishnu Patil ... Respondent

***ALONG WITH
WRIT PETITION NO. 5030 OF 2015***

Shri Hanuman Sah. Panipuravatha
Mandali Maryadit, Asurle & ors. ... Petitioners
v/s
Shri Bhimrao Dyanu Lohar ... Respondent

ALONG WITH
WRIT PETITION NO. 5043 OF 2015

Shri Hanuman Sah. Panipuravatha
Mandali Maryadit, Asurle & ors. ... Petitioners
v/s
Shri Yashwant Balu Dubule ... Respondent

Mr.Pradeep D. Dalvi for the petitioners in all petitions.

CORAM: N.M. JAMDAR, J.

DATED : 17 NOVEMBER 2015

PC.:

These petitions challenge the order passed by the Industrial Court, Kolhapur, remanding the proceedings to the Labour Court, Kolhapur, to lead oral evidence on the point of completion of 190 days' service of the respondents with the petitioner.

2. The respondents filed Complaint under Section 28(1) read with Schedule IV of the MRTU & PULP Act, 1971, in the Industrial Court, Kolhapur. The Respondents sought relief in their favour on the ground that they are working with the Petitioners since long. The Labour Court held that the Respondents were working as seasonal workers with the Petitioners and had not completed 240

days in service. Accordingly, the Labour Court dismissed the complaints filed by the Respondents. The Industrial Court, by the impugned orders, held that since the Respondents were working as seasonal workers, the enquiry should have been conducted whether they have completed 190 days in service.

3. Heard learned counsel for the petitioner. The orders passed by the Industrial Court cannot be faulted with. The Industrial Court has rightly referred to the provisions of Section 25B, 2(b)(ii) of the Industrial Disputes Act and provisions of Section 4(c) of the Industrial Employment (Standing Orders) Act which states that the criteria for seasonal worker is 190 days. Thus, the Industrial Court was right in holding that the Labour Court proceeded on erroneous basis as the relevant criteria was not 240 days but 190 days. The Respondents have not challenged the order of remand even though it was passed a year back.

4. In the circumstances, no interference is warranted in the impugned orders.

5. The writ petitions are accordingly rejected.

(N. M. JAMDAR, J.)