

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (Z) No. 167 of 2013 in L.P.A. St. No. 2948 of 2013 in
W.P.No. 5778 of 2012

Baba s/o Maroti Sarpate and others vs. Agriculture Produce Market
Committee, Warora and another.

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

Mr. V.P.Marpakwar, Adv. for the appellants.

Mr. A.C.Dharmadhikari, Adv. for R-1.

CORAM: B.R.GAVAI &

MRS. MRIDULA R. BHATKAR,JJ

DATE : 5.1.2015

For the reasons stated in the application, the
application is allowed. Delay is condoned.

Letters Patent Appeal No. /-----/2013 in Writ Petition No. 5778
of 2012 (Baba s/o Maroti Sarpate and others .vs. Agriculture
Produce Market Committee, Warora and another.)

The appeal is taken up for admission.

This appeal challenges the order passed by the
learned Single Judge of this Court dated 7.1.2013, by which

the learned Single Judge, has dismissed the petition filed by the present appellants arising out of the order passed by the learned Industrial Court, Chandrapur dated 26.3.2012.

This is second round of litigation. In the earlier round, the complaint of the appellants came to be dismissed only in view of the Judgment of the Apex Court in the case of Umadevi vs. The Secretary, State of Karnataka and others vs. Umadevi and others, reported in 2006(4) Supreme Court Cases, 1. However, in the petition under Articles 226 and 227 of the Constitution of India, this Court remanded the matter to the learned Industrial Court for the limited aspect of considering as to whether the provisions of the Industrial Employment (Standing Orders), Act, 1946, were applicable to the respondent Agriculture Produce Market Committee.

On remand, the learned Industrial Court, upon perusal of the evidence placed before it, came to the finding of fact that the total sanctioned posts were 17 and as such since the posts available with the respondent were less than 50, the said Act was not applicant to the respondent APMC. Being aggrieved thereby the appellants filed Writ Petition no. 5778 of

2012, which the learned Single Judge has dismissed. Hence, the present appeal.

Perusal of the Judgment and order passed by the learned Single Judge so also learned Industrial Court would reveal that the learned Industrial Court has given elaborate reasonings regarding the number of posts available. Not only that it appears from the Judgment of the learned Industrial Court that the appellant himself has admitted that the sanctioned posts were 17. In that view of the matter, no errors can be found with the order passed by the learned Single Judge concurrent with the finding of fact as arrived by the learned Industrial Court. Hence, the appeal is rejected having found no merits.

JUDGE

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