

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

**WRIT PETITION No. 5368/2015.**

Zilla Parishad and Government Employees Co.op. Societies Ltd. Bhandara. And another.

**-VERSUS-**

Chandakant Sukhram Mutkure and another.

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Office notes, Office Memoranda of  
Coram, appearances, Court's orders  
or directions and Registrar's orders.

Court's or Judge's Orders

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Shri M.V. Mohokar, Advocate for the Petitioners.

**CORAM : R.K. DESHPANDE, J.**

**DATE : SEPTEMBER 28, 2015.**

Shri Mohokar, learned counsel for the petitioners submits that the Industrial Court has framed a wrong issue as to - Whether the complainant proves that the complaint is not tenable on the basis of cessation of the employment, and therefore, it is liable to be dismissed ?

He submits that this was not at all the objection raised by the petitioner before the Industrial Court. He submits that the objection raised was that the respondent is not a workman within the meaning

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of Section 2[s] of the Industrial Disputes Act, 1947.

If this is the position, it is open for the Industrial Court to frame an appropriate issue and to decide it in accordance with law. No interference is called for, Writ Petition is, therefore, dismissed. Needless to mention that any observations in the impugned order on the question as to whether the respondent is a workman, shall not come in the way of the parties.

**JUDGE**

Rgd.