

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1128 OF 1997

1. The State of Maharashtra,
 2. The Executive Engineer,
Public Works Division,
Ahmednagar
- PETITIONERS

VERSUS

1. Manik Pandurang Chaware,
at Handi Nimgaon,
Post : Mukindpur, Tq.Newasa,
Dist.Ahmednagar,
 2. Presiding Officer and Judge,
2nd Labour Court, Ahmednagar
- RESPONDENTS

WITH
WRIT PETITION NO.1132 OF 1997

1. The State of Maharashtra,
 2. The Executive Engineer,
Public Works Division,
Ahmednagar
- PETITIONERS

VERSUS

1. Manik Dagdu Take,
At Handi Nimgaon,
Post : Mukindpur, Tq.Newasa,
Dist.Ahmednagar,
 2. Presiding Officer and Judge,
2nd Labour Court, Ahmednagar
- RESPONDENTS

WITH
WRIT PETITION NO.1133 OF 1997

1. The State of Maharashtra,
 2. The Executive Engineer,
Public Works Division,
Ahmednagar
- PETITIONER

VERSUS

1. Dagdu Yeshwant Take,
at Handi Nimgaon,
Post : Mukindpur, Tq.Newasa,
Dist.Ahmednagar,
 2. Presiding Officer and Judge,
2nd Labour Court, Ahmednagar
- RESPONDENTS

Mr.P.N.Kutti, AGP for the petitioners/State.
Mr.S.D.Dhongde, Advocate for respondent No.1 (Absent)

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 21/10/2016

ORAL JUDGMENT :

1. In all these petitions, the petitioners have challenged the judgment of the Labour Court dated 27/08/1996 in Complaint (ULP) Nos.189/1992, 191/1992 and 187/1992 respectively.

2. In all these matters since respondent No.2 is the learned Presiding Officer, Labour Court, same stands deleted from these proceedings.

3. I have considered the submissions of the learned AGP on behalf of the petitioners and the grounds below paragraph Nos.5 (i) to (x).

4. This Court, in the matter of Engineering Employees Union Vs. Devidayal Rolling and Refineries Pvt.Ltd., 1986 (52) FLR 40 = 1986 Mh.L.J. 331 has already concluded that any order passed by the Labour Court u/s 28(1), Section 30 and Section 32 of the MRTU and PULP Act, 1971, cannot be directly challenged in this Court without exhausting the remedy of filing of revision petition u/s 44 of the Act of 1971.

5. Notwithstanding the above, the Labour Court has granted reinstatement with continuity in service without back wages to these respondents vide the impugned judgment. This Court, while admitting the matter, has not granted interim relief to the petitioners.

6. The learned AGP is unable to state as to whether the respondents are still in service.

7. None has appeared for respondent No.1 despite granting an adjournment earlier in these matters, which are on the final hearing board having been filed in February 1997.

8. The stand taken by the petitioners before the Labour Court was that the respondents were working on daily wages and were offered work whenever it was available. The Labour Court was convinced that juniors were retained in service while terminating the respondents. This court, after hearing the petitioners at the stage of admission, was not convinced that the impugned judgment deserves to be stayed.

9. Considering the above and the fact that a period of about 20 years has lapsed since the admission of these matters, I do not find it appropriate to cause any interference in the order of reinstatement granted by the Labour Court.

10. Needless to state, in the event, the respondents are in employment pursuant to the judgment of the Labour Court, they would be entitled to such service benefits as may be permissible under their service rules and conditions of employment. In the event, they are not in employment, it is left to the said respondents to deal with such a situation

11. These petitions are therefore dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)