

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.1810/2016

- 1 Satish s/o Bhanudas Kamble,
Age: 45 years, Occu: Service,
R/o. Gandhi Nagar, Latur,
Tq. And Dist. Latur.
- 2 Suresh s/o Mariba Kamble,
Age: 45 years, Occu: Service,
R/o. Bodhe Nagar, Latur,
Tq. And Dist. Latur.
- 3 Balaji s/o Prakash Dhotre,
Age : 32 years, Occu: Service,
R/o. Bhodhe Nagar, Latur,
Tq. And Dist. Latur.
- 4 Basawraj s/o Virbhadr Vore,
Age: 40 years, Occu: Service,
R/o. Pochamma Galli, Latur,
Tq. And Dist. Latur.
- 5 Nitin s/o Ashok Sathe,
Deleted.
- 6 Sow. Laximi w/o Rajabhau Bansode,
Age: 38 years, Occu: Service,
R/o. Labour Colony, Latur,
Tq. And Dist. Latur.
- 7 Ismail s/o Kasim Shaikh,
Age: 35 years, Occu. Service,
R/o. Hamal Galli, Latur,
Tq. And Dist. Latur.

...Petitioners...

Versus

- 2 -

Municipal Corporation, Latur,
District Latur.
Through its Commissioner.

...Respondent...

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Shri S.P. Urgunde, Advocate for petitioners.
Shri V.B. Jadhav, Advocate h/f Shri A.V. Hon, Senior
Advocate for respondent.

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CORAM: RAVINDRA V. GHUGE, J.

DATE: 25.02.2016

ORAL JUDGMENT :

1] Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2] The petitioner seeks leave to delete petitioner no.5 - Nitin Ashok Sathe. Leave to delete is granted at the risk of the petitioners. Deletion be carried out forthwith.

3] The petitioners in this petition are complainants in Complaint (ULP) No.23/2009, which is pending before the Industrial Court at Latur. In all, 34 persons are the complainants in the said complaint. Some of the complainants had approached this Court against the dismissal of their complaint by the judgment of the Industrial Court dated 4.7.2014, in Writ Petition

- 3 -

No.6506/2014. The said petition was allowed by judgment dated 31.8.2015 by this Court and Complaint (ULP) No.23/2009 was remitted to the Industrial Court for a fresh hearing.

4] Some out of the remaining complainants in the said complaint later on approached this Court in Writ Petition No.11741/2015. By judgment dated 23.12.2015, since the complaint was already remitted to the Industrial Court, the petition was allowed and the petitioners were permitted to participate in the hearing before the Industrial Court.

5] Learned Advocate for the petitioners submits that these six petitioners are also party to the same Complaint (ULP) No.23/2009, which has been remitted and which is being adjudicated upon by the Industrial Court. As such, a statement is made on instructions that these petitioners, who are complainants in the said complaint, would adopt the entire oral and documentary evidence adduced by the other complainants or the Union leader and would cooperate with the Industrial Court for the disposal of the said complaint as per the directions of this Court.

- 4 -

6] Shri Hon, the learned Senior Advocate appearing on behalf of the respondent - Corporation, has opposed this petition. Contention is that out of the 34 complainants, two groups came before this Court in two petitions. These petitioners have formed a third group out of the same complainants. By the judgment of this Court, the complaint is being adjudicated upon by the Industrial Court within a time bound programme. If such groups are permitted one after the other, the Industrial Court will not be able to conclude the trial within the period granted.

7] I have considered the submissions of the learned Advocates.

8] By two earlier judgments dated 31.8.2015 and 23.12.2015 in Writ Petition Nos.6506/2014 and 11741/2015, this Court has permitted the petitioners to prosecute the Complaint (ULP) No.23/2009 as all of them are the complainants in the same complaint. Considering the statement of the petitioners that they would adopt the oral and documentary evidence of the other complainants, which may have been already recorded before the Industrial Court, I do not find that these petitioners

- 5 -

would waste the time of the Industrial Court on account of the delay caused in approaching this Court.

9] In the light of the above, this petition is allowed. The petitioners are permitted to prosecute the Complaint (ULP) No.23/2009 by recording their statement that they do not desire to lead oral evidence individually and would adopt the oral and documentary evidence adduced by the other complainants in the said complaint.

10] Rule is made absolute in the above terms. No order as to costs.

(RAVINDRA V. GHUGE, J.)