

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 317 OF 2006

Commissioner,
Municipal Corporation,
Ahmednagar.

Petitioner

Versus

1. Suman Suresh Berad
Age : 48 years, Occu. Service
R/o Berad Galli,
Bhingar, Ahmednagar,
Tal & Dist. Ahmednagar.

2. The State of Maharashtra, Respondents

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WITH

CRIMINAL WRIT PETITION NO. 318 OF 2006

Commissioner,
Municipal Corporation,
Ahmednagar.

Petitioner

Versus

1. Hirabai Shivaji Sapate
Age : 45 years, Occu. Service
R/o Gondhale Galli,,
Maliwada, Ahmednagar,
Tal & Dist. Ahmednagar.

2. The State of Maharashtra, Respondents

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WITH

CRIMINAL WRIT PETITION NO. 319 OF 2006

Commissioner,
Municipal Corporation,
Ahmednagar.

Petitioner

Versus

1. Pandit Rambhau Ausarkar
Age : 41 years, Occu. Service
At prsent Resident at
Ausarkar mala, Ahmednagar,
Tal & Dist. Ahmednagar.

2. The State of Maharashtra, Respondents

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WITH

CRIMINAL WRIT PETITION NO. 320 OF 2006

Commissioner,
Municipal Corporation,
Ahmednagar.

Petitioner

Versus

1. Kailas Eknath Fulsaundar
Age : 32 years, Occu. Service
R/o Avasarkar Mala,
Burdgaon Road, Ahmednagar,
Tal & Dist. Ahmednagar.

2. The State of Maharashtra, Respondents

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WITH

CRIMINAL WRIT PETITION NO. 321 OF 2006

Commissioner,
Municipal Corporation,
Ahmednagar.

Petitioner

Versus

1. Anil Vasant Londhe
Age : 35 years, Occu. Service
R/o Shinde Galli,
Maliwada, Ahmednagar,
Tal & Dist. Ahmednagar.

2. The State of Maharashtra, Respondents

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Mr. R. N. Dhorde, learned Senior Advocate for the Petitioners.

Mr. A. S. Shelke, Advocate for the Respondent No.1.

Mr. S. G. Karlekar, APP for Respondent No.2/State.

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(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 10/06/2016

PER COURT :

1. Shri Dhorde, learned Senior Advocate appearing on behalf of the petitioners submits that issuance of process by the Labour Court, Ahmednagar, under Section 48 (1) of the MRTU and PULP Act, 1971 has been challenged in these petitions. The Criminal Complaints are filed by the respondents/employees on the ground that the petitioners had failed to comply with the orders passed by the Industrial Court in ULP complaints.

2. Shri Dhorde relies upon the Judgment of this Court dated 09.07.2015 delivered in **Writ Petition No.4496 of 2002** and connected matters, to contend that the order purportedly disobeyed by the petitioners has been set aside by this Court. The Proceedings in between the petitioners and the respondents, have been decided through the Judgment of this Court and it has been observed in paragraph No.14 of the said judgment that the Criminal Complaints filed by the employees shall be disposed of.

3. He further submits that the order of issuance of process impugned in these petitions can be set aside, in the light of the above facts.

4. Shri A. S. Shelke, learned Advocate appearing on behalf of the respondent/employees confirms the statement made by Shri Dhorde. He further submits that the respondents/employees are granted liberty to avail of an alternate remedy and therefore, the Criminal Complaints were directed to be disposed of.

5. In the light of the above, these petitions are allowed. Considering the judgment of this Court dated 09.07.2015 in the matter of The Ahmednagar Municipal Council, Ahmednagar Vs. Pandit Rambhau Ausarkar and others, in **Writ Petition No.4496 of 2002** and connected matters and the directions in paragraph No.16, the impugned order of issuance of process in the Criminal Complaints is quashed and set aside.

6. Rule is made absolute in the above terms

(**RAVINDRA V. GHUGE, J.**)