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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.8341/2015

Ahmednagar Zilla Shetmajoor Union,
Trade Union Centre,
Tahsil Kacheri Road,
Shrirampur, Taluka Shrirampur,
District Ahmednagar
Through Joint Secretary

...Petitioner...

Versus

Mahatma Phule Krishi Vidyapeeth,
At Post University, Taluka Rahuri,
District Ahmednagar
Through Vice Chancellor.

...Respondent...

WITH

WRIT PETITION NO. 8564 OF 2015

1 Ahmednagar Zilla Shetmajoor Union,
Trade Union Centre,
Tahsil Kacheri Road,
Shrirampur, Taluka Shrirampur,
District Ahmednagar
Through Joint Secretary

2 Mahatma Phule Krishi Vidyapeeth
Kamgar Karmachari Union,
Trade Union Centre,
Tahsil Kacheri Road,
Shrirampur, Taluka Shrirampur,
District Ahmednagar
Through Joint Secretary

...Petitioners...

Versus

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Mahatma Phule Krishi Vidyapeeth,
At Post Rahuri, Taluka Rahuri,
District Ahmednagar
Through Vice Chancellor.

...Respondent...

.....

Shri P.V. Barde, Advocate for petitioners.
Shri P.L. Shahane, Advocate with Shri Parag Shahane,
Advocate for respondent.

.....

CORAM: RAVINDRA V. GHUGE, J.

DATE: 11.02.2016

ORAL JUDGMENT :

1] I have heard learned Advocates for the respective sides. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2] While issuing notice, I have observed in paragraph no.3 of the order dated 13.10.2015 as follows:-

"3. Shri Barde submits that the Industrial Court, Ahmednagar while dismissing the Revision Petition of the petitioners, has resorted to an act of "copy-paste". He submits that the Industrial Court has copied several paragraphs from the judgment of the Labour Court, which was impugned in the Revision Petition and has pasted the said paragraphs in the impugned judgment of

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the Industrial Court. He cites examples as follows:-

Sr.	Paragraph of the Judgment of Labour Court	Copied and pasted in the Judgment of the Industrial Court
a	Paragraph No.14	Paragraph No. 12
b	Paragraph No.17	Paragraph No.13
c	Paragraph No.18	Paragraph No. 14
d	Paragraph No.31	Paragraph No. 15
e	Paragraph No.32	Paragraph No. 16

3] Considering the order that I intend to pass in the light of the above reproduced paragraph, I have taken up both these petitions together for reasons set out in the above reproduced paragraph.

4] Shri Shahane, learned Advocate for the respondent – Agricultural University has firstly prayed for time to file reply to these petitions. Since the matter before this Court is with regard to the Labour Court proceedings as well as the revisional proceedings before the Industrial Court, the pleadings of the parties are complete and hence no separate reply is required.

5] Shri Shahane has vehemently opposed both these petitions. He submits that the petitioners cannot travel beyond the scope of the pleadings in the revision

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petition filed before the Industrial Court. Pleadings cannot be improvised in the writ petition and/or supervisory jurisdiction of this Court while entertaining a petition under Article 227 of the Constitution of India. The concurrent judgments of the Labour Court and the Industrial Court cannot be lightly interfered with by this Court.

6] He further submits that the submissions of the petitioners set out in the memo of the petitions travel beyond the scope of the revision petitions filed by the petitioners. This cannot be permitted. As a consequence, both these petitions deserve to be dismissed.

7] I have noticed that the impugned judgment contains five material paragraphs viz. Nos.12, 13, 14, 15 and 16, which happen to be a word to word "copy paste" of the conclusions of the Labour Court in paragraph nos.14, 17, 18, 21 and 32.

8] I am of the view that the Industrial Court ought not to have resorted to "copy paste" while exercising its revisional jurisdiction u/s 44 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair

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Labour Practices Act, 1971. To say the least, it was unconscionable on the part of the Industrial Court.

9] As such, I am allowing both these petitions only for the purpose of enabling the learned Advocates for the litigating sides before the Industrial Court to address the mind of the Industrial Court afresh on the basis of the pleadings and the grounds taken in the revision petition and for the Industrial Court to deliver a judgment afresh.

10] As such, both these petitions are partly allowed. The impugned judgments of the Industrial Court dated 2.2.2015 in Revision (ULP) Nos.25/2012 and 26/2012 are quashed and set aside. Both the revision petitions are remitted to the file of the Industrial Court.

11] The litigating sides shall appear before the Industrial Court on 29.2.2016.

12] The Industrial Court shall hear the learned Advocates for the respective sides on or before the 10th day of March, 2016 on the revision petitions and the record and proceedings of the Labour Court available before it. Thereafter, the Industrial Court shall close the matter for judgment and shall endeavour to deliver

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the judgment on or before the 16th day of April, 2016, on its own merits.

13] Rule is made partly absolute in the above terms.

No order as to costs.

(RAVINDRA V. GHUGE, J.)