

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION (o) NO.709/2016

IN

MISCELLANEOUS CIVIL APPLICATION (ST) NO. 6242/2016

IN

LETTERS PATENT APPEAL NO. 45/2005

IN

WRIT PETITION NO. 4268/1999

(The Chief Engineer, Irrigation Department and others vs. Waman Atmaram Lede and another)

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

Court's or Judge's order

.....
Mr. P.B. Patil, Advocate for applicants
Mr. M.V.Mohokar, Adv.for respondent no.1

CORAM : B.R.GAVAI &
Mrs.SWAPNA JOSHI, JJ.

DATED : 16th April, 2016

C.A.(o) NO. 709/2016

For the reasons stated in the Application,
the delay is condoned. Civil Application is allowed.

MCA (St) No. 6242/2016:

Taken on Board.

For the reasons stated in the Application, the
MCA is allowed.

L.P.A. is restored to file.

L.P.A.NO. 45/2005:

The Appeal is taken up for admission. The

Appeal challenges the order passed by the learned single Judge of this Court wherein the Writ Petition filed by the present appellant being Writ Petition No. 4268/1999 thereby challenging the order passed by the learned Industrial Court, came to be dismissed.

The basic challenge raised in the Appeal is that the learned single Judge has erred in holding the Department of Irrigation of the State Government, as an 'industry'.

The issue is no more *res integra*. It has been held by the Apex Court that the Irrigation Department comes within the definition of 'industry'. As such, no interference in the Appeal is required. The L.P.A. is dismissed.

Needless to say that upon dismissal of the L.P.A. interim order, if any, shall stand vacated.

JUDGE

JUDGE

safare