

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY:**  
**NAGPUR BENCH : NAGPUR**  
**Writ Petition No.4879 of 2015**  
**[Bhandara Zilla Dugdha Utpadak Sangh Vs. Maroti Vellaya**  
**Bongoniwar & two others]**

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

Court's or Judge's orders

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Mr. A. R. Patil, Adv., for the petitioner.  
Mr. S.R. Bhongade, Adv., for respondent nos. 1 and 2.

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**CORAM : P.B. VARALE, J.**

**DATE : 05<sup>th</sup> December, 2016**

Heard Mr. A.R. Patil, the learned counsel for the petitioner, and learned Adv. Mr. S.R. Bhongade for respondent nos. 1 and 2 at length.

It was the submission of learned Counsel Mr. Patil that the respondents-employees approached the learned Industrial Court, Bhandara, by filing Complaint [ULP] No. 120 of 2013 challenging the decision of the petitioner-Society dated 19th August, 2013 thereby withdrawing the powers of the respondents-complainants to work as Milk Procurement Supervisors. It was submitted by learned Adv. Mr. Patil that during the pendency of the Complaint certain events occurred, namely the feedback was sought for from the various Members-Societies of

the petitioner-Federation. The same was provided to the petitioner-Federation, in which it was reported that after removal of the respondents-complainants, there was a remarkable improvement in milk collection, grading of milk and the Societies were gaining more profit. In view of the said feedback, a meeting was called and a resolution was passed to initiate an enquiry against the respondents. The petitioner, thus, wanted to bring all these facts on record. As such the application for amendment was filed and it was allowed.

The respondents then filed an application for consequential amendment with a submission that the petitioner-Federation issued charge-sheets to the respondents at a belated stage with an ulterior motive. Mr. Patil, counsel for the petitioner, submitted that the Federation denied the contentions raised by the respondents-employees and to bring necessary material before the Court, applications were filed at the instance of the petitioner-Federation. The submission of Mr. Patil was, these applications were rejected erroneously by the learned Industrial Court. It was the submission of Mr. Patil that if the petitioner would not have filed the application bringing the material on record and denial of the allegations, the same would have been treated as an admission in the proceedings.

Mr. Bhongade, the learned counsel appearing for respondent nos. 1 and 2, submitted before this Court

that the documents, which were sought to be placed on record by the petitioner-Federation, were not at all necessary for adjudication. A statement is made in para 4 of the reply filed by the respondent nos. 1 and 2, stating that the answering respondents at this juncture submit that they have filed a Complaint before the Member, Industrial Court, challenging the legality and validity of the above charge-sheet dated 9th July, 2015 issued by the petitioner to the respective answering respondents. On a specific query made to the learned counsel for respondent nos. 1 and 2, the learned counsel submitted that the respondents are agitating the only issue before the learned Industrial Court in Complaint [ULP] No. 120 of 2013 in respect of the order dated 19th August, 2013 on the backdrop of a submission that the nature of duty of these respondents was changed without issuing any notice to them. Mr. Bhongade then submits that the respondents are not raising the issue of the charge-sheet in Complaint [ULP] No. 120 of 2013, as a specific and independent challenge is raised in Complaint [ULPA] No. 124 of 2015. On accepting this statement by the learned counsel for the respondents, the Exhs. C-12 and C-13 lose their efficacy.

Petition is disposed of in view of the above facts.

**Judge**

