

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 5684 OF 2014

(THE STATE OF MAHARASHTRA, THROUGH SECRETARY, RURAL DEVELOPMENT & WATER
 CONSERVATION DEPARTMENT, MUMBAI 7 2 OTH...VS..SMT. DHARA NAMDEO NIKOSE.)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JUNE 06, 2016.

Heard Shri H.R.Dhumale, A.G.P. for the
 petitioners. None for the respondents.

The petitioners-employer have challenged the order passed by the Industrial Court dismissing the revision filed by the petitioners and upholding the order passed by the Labour Court by which the complaint filed by the employee has been partly allowed and the employer is directed to pay compensation of Rs.50,000/- in lieu of reinstatement and other ancillary reliefs.

The learned A.G.P. has submitted that subordinate Courts have committed an error in concluding that the complaint filed by the employee under Section 28 r/w Item I of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 is maintainable. According to the employer, it is not an "Industry" as contemplated by Section 2(j) of the Industrial Disputes Act, 1947, as the employer is carrying on the sovereign functions. It is further submitted that the claim of the employee could not have been granted relying on the provisions of Section 25-F of the Industrial Disputes Act as the Act itself could not have been applied.

The Labour Court has considered all the relevant aspects in paragraph Nos. 15, 16 and 17 of its order and has also discussed the relevant judgments. I find that the conclusions of the Labour Court for repelling the objection raised on behalf of the employer to the maintainability of the complaint and on the point that the present employer cannot be considered to be an “Industry”, are proper and cannot be faulted with. The Industrial Court has also dealt with the objection of the employer and the conclusions recorded in paragraph 8 of the order passed by it are in consonance with the legal position.

As far as facts of the case are concerned, the learned A.G.P. has not been able to point out that the findings recorded by the subordinate Courts that the termination notice issued by the employer was in violation of the provisions of Section 25-F of the Industrial Disputes Act, 1947 are not proper and are unsustainable.

In my view, the subordinate Courts have properly considered all the relevant aspects and the legal position and the employee is rightly granted compensation of Rs.50,000/- in lieu of reinstatement and other ancillary reliefs. I see no reason to interfere with the impugned orders.

The petition is dismissed. In the circumstances, the parties to bear their own costs.

JUDGE