

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4097 OF 2011

Sheshrao Munjaji Nirde

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. A.H. Kasliwal, Advocate for petitioner.

Mr. Y.G. Gujrathi, A.G.P. for Respondent No.1.

Mr. V.H. Upadhye, Advocate for Respondent Nos. 2 and 3.

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**CORAM : S.V. GANGAPURWALA AND
K.L. WADANE, JJ.**

DATED : 01st MARCH, 2017

ORDER :

1. Mr. Upadhye, learned Counsel submits that against the impugned order in the writ petition, the petitioner has remedy before the Labour Court under the provisions of M.R.T.U. and P.U.L.P. Act. So also, provisions of Bombay Industrial Relations Act.

2. Mr. Kasliwal, learned Counsel for petitioner submits that during relevant time, when the impugned order was passed, the administrator was holding the charge of respondent – bank and so writ petition is maintainable. Learned Counsel for petitioner relies on the

judgment of the Division Bench of this Court in the case reported as **2011 (4) Mh.L.J. 866 (Arif Mohd. Ghasswala Vs. R.V. Iyer and Others)** and the judgment of the Apex Court in the case reported as **(2004) 5 SCC 90 (Gayatri De Vs. Mousmi Co-operative Housing Society Ltd.)**

3. The dispute is not about the maintainability of the writ petition. The point is of entertaining the writ petition when there is availability of substantive alternate remedy.

4. In view of that we dispose of the writ petition with liberty to the petitioner to avail the alternate remedy. Time spent in prosecuting the writ petition shall be available to the petitioner and the same shall be considered by the authority where the proceeding would be filed. All contentions of respective parties are kept open. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)

SSD