

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

WRIT PETITION NO. 907 OF 1999

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| 1. Chief Executive Officer,
Jilla Parishad, Jalna. | |
| 2. Executive Engineer,
Irrigation Division,
Jilla Parishad, Jalna. | PETITIONERS/
[ORI. RESPONDENTS] |

V E R S U S

Suresh s/o Padmakarrao Tawar Age : 25 Yrs., Occ. : Service, R/o : Saraswati Niwas, Behind Walimba's house, Jalna, Dist. Jalna.	 RESPONDENT/ [ORI. COMPLAINANT]
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Mr. V.D.Salunke, Advocate for Petitioners.

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CORAM : P.R.BORA, J.

DATE OF JUDGMENT : 25th APRIL, 2017

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ORAL JUDGMENT :

1. Heard Mr. V.D.Salunke, learned counsel for the

petitioners.

2. The Order dated 23/12/1996 passed by the Industrial Court, Jalna in Complaint [ULP] No. 597/1994 [old No. 145/1991] is challenged in the present Writ Petition. The respondent had filed aforesaid Complaint alleging commission of unfair labour practice by the petitioners under Item Nos. 9 and 10 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 [for short, 'MRTU & PULP Act']. It was the case of the respondent that he was orally terminated by the petitioners without complying the mandatory requirements under the provisions of the Industrial Disputes Act, 1947. It was the assertion of the respondent that he was working on the permanent post and had worked for more than 240 days in a calendar year and as such his services could not have been terminated orally and without following due procedure of law.

3. Though the Complaint filed by the respondent was strongly resisted by the present petitioners, learned Industrial Court vide impugned order held that the petitioners had indulged in commission of unfair labour

practices and has consequently directed the petitioners to reinstate the respondent by giving him continuity in service with back-wages.

4. No interim relief has been granted by this Court. Though there is no authentic information on record, there is reason to believe that the respondent must have been reinstated in service, as directed by the Industrial Court. Twenty one (21) years after passing of the Judgment by the Industrial Court, there seems no propriety now to enter into the merits of the petition filed by the petitioners. Even otherwise, it does not appear to me that any patent error has been committed by the Industrial Court in allowing the Complaint filed by the present respondent. The Industrial Court has passed well reasoned order. It is observed by the Industrial Court that the respondent had continuously worked with the petitioners for more than 240 days in all preceding years and as such his services could not have been terminated without following the provisions u/s 25-F of the Industrial Disputes Act, 1947.

5. In view of the above, Writ Petition stands dismissed, however without any order as to costs.

Rule discharged.

[P.R.BORA, J.]

KNP/W.P. 907.1999 - [J]