

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

WRIT PETITION NO. 2210 OF 2018
WITH WRIT PETITION NO.3002 OF 2018

RAMDAS RATAN KASBE
VERSUS
M/S ZAVERI FLEXO INDIA LIMITED THROUGH ITS UNIT
HEAD AURANGABAD

AND

WRIT PETITION NO. 2212 OF 2018
WITH WRIT PETITION NO.3001/2018

SURESH HARSINGRAO KHEDEKAR
VERSUS
M/S ZAVERI FLEXO INDIA LIMITED THROUGH ITS UNIT
HEAD AURANGABAD

Advocate for the petitioners : ...
Advocate for the respondent : Shri V. I.Thole
Shri V. P. Golewar h/f.
Shri A.R.Joshi

...
CORAM : RAVINDRA V. GHUGE, J.
DATED : 20th March, 2018.
...

PER COURT :-

1] Both the learned advocates for the respective sides submit that they have no objection if this Court hears these petitions.

2] After hearing the learned advocates for the respective sides for sometime, it appears that these petitioners were aggrieved by the Departmental Enquiry initiated against

them and had preferred Complaints (ULP) No. 211/2016 and 213/2016 before the Industrial Court.

3] Learned advocate for the petitioners submits that pursuant to the second show cause notice dated 13/11/2017 and 06/11/2017 issued to these two petitioners respectively, they have prayed for interim protection before the Industrial Court. Since the applications for interim relief Exhibit U-2 were rejected by the Industrial Court, both these petitioners have been issued with orders of dismissal on 23/11/2017 and 14/11/2017.

4] The serious apprehension voiced by the learned advocate for the petitioners is that as the two (ULP) Complaints are pending and since the Industrial Court has passed orders refusing interim relief, the petitioners are precluded from posing a comprehensive challenge before the Labour Court against the orders of dismissal. He submits on instructions that the petitioners are agreeable to withdraw the (ULP) Complaints before the Industrial Court bearing No. 211/2016 and 213/2016 and these petitions can be disposed of so as to enable the petitioners to expeditiously challenge their dismissal orders and raise all grounds for such challenge.

5] Learned counsel for the respondent/Management submits that the petitioners have a legal right to challenge their orders of dismissal and if the earlier litigation which is at different stages of the enquiry, is concluded, the petitioners may avail of a remedy as is permissible in law.

6] Learned counsel for the petitioners submits that since the petitioners have been litigating before the Industrial Court and this Court, the limitation period of 90 days, as is prescribed by the Labour Courts (Practice and Procedure) Rules 1975, has expired, it would be a further hurdle to the petitioners.

7] Considering the above, these four petitions are disposed of as withdrawn.

8] Complaints (ULP) No. 211/2016 and 213/2016 pending before the Industrial Court would be withdrawn by these petitioners by filing a purshis within a period of eight days. Learned advocate for the petitioners submits that (ULP) Complaints before the Labour Court would be filed expeditiously and in any case within three weeks from today.

9] As such, the Labour Court would note that if these petitioners file their (ULP) Complaints as above, the time spent

by these petitioners before the Industrial Court in the pending (ULP) Complaints after their dismissal and the time spent in this Court till the passing of this order today, would be a good ground for condonation of delay.

10] Needless to state, since the petitioners have withdrawn these petitions and are also withdrawing the (ULP) Complaints before the Industrial Court which were filed at different stages of the enquiry, the orders passed by the Industrial Court in the said proceedings would not be an impediment in the path of these petitioners in their cases before the Labour Court and those orders of the Industrial Court would not be cited before the Labour Court by the respondent/Management. In short, the Labour Court would decide the two complaints which would be filed by the petitioners, on their own merits. All contentions of both the litigating sides are kept open.

(RAVINDRA V. GHUGE, J.)

shp/-