

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2727 OF 2004

M/s Supreme Industries Ltd.,
D-101-102, MIDC Area,
Jalgaon,
Through the General Manager -- PETITIONER

VERSUS

Hemand Deoram Nemade,
Age-39 years, Occu-Not nown,
R/o Plot No.20, S.No.139,
Near Autonagar, PO/Tq/Dt.Jalgaon -- RESPONDENT

WRIT PETITION NO.2729 OF 2004

M/s Supreme Industries Ltd.,
D-101-102, MIDC Area,
Jalgaon,
Through the General Manager -- PETITIONER

VERSUS

Narendra Dodhu Bonde,
Aged-Adult, Occ-Not known,
R/o Sadguru Nagar,
PO/Tq/Dt.Jalgaon -- RESPONDENT

Mr.N.S.Suwarnakar h/f Mr.T.K.Prabhakaran, Advocate for the
petitioner/Management.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 09/05/2018

ORAL JUDGMENT :

1. In these petitions, the petitioner/Management has challenged

the common judgment of the Industrial Court dated 26/02/2004, by which the judgment of the Labour Court was set aside and the ULP complaints were remitted to the Labour Court for adjudication afresh.

2. By order dated 23/09/2004, this Court refused interim relief to the petitioner by concluding that the status of the original complainant as a workman, will have to be proved before the Labour Court and hence the direction of the Industrial Court to permit the parties to lead evidence before the Labour Court, cannot be stayed.

3. Learned Advocate for the petitioner/Management submits that the Management has not instructed the petitioner after these petitions were admitted.

4. None appears for the identically placed respondents.

5. I find that the Industrial Court had directed the Labour Court to decide Complaint (ULP) Nos.263/1997 to 266/1997 within 6 months. This direction of the Industrial Court was not stayed by this Court. Two identical writ petition Nos. 2726/2004 and 2728/2004 have already been disposed of by this Court without interfering with the same judgment of the Industrial Court.

6. Considering the above, both these petitions are disposed of. Needless to state, Complaint (ULP) No.263/1997 and 266/1997 concerning these two respondents may have been decided and disposed of by the Labour Court in view of the directions of the Industrial Court. However, in the event these two complaints are still pending before the Labour Court, Jalgaon, the same shall be decided on their merits by the Labour Court in view of the directions of the Industrial Court by judgment dated 26/02/2004, as expeditiously as possible and in any case on or before 31/12/2018.

7. Rule is discharged.

(RAVINDRA V. GHUGE, J.)