

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

908 WRIT PETITION NO. 9724 OF 2018

WITH

WRIT PETITION NO. 9727 OF 2018

WRIT PETITION NO. 9731 OF 2018

WRIT PETITION NO. 9920 OF 2018

CHIEF EXECUTIVE OFFICER ZILLA PARISHAD AHMEDNAGAR

VERSUS

YOGESHKUMAR BAGWAN GHODEKAR AND ANOTHER

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Advocate for Petitioner : Shri Shelke Shivaji T.

Advocate for Respondent 1 : Shri Barde Parag Vijay

AGP for Respondent 2 : Shri Shinde B.A.

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CORAM : RAVINDRA V. GHUGE, J.

Dated: August 29, 2018

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PER COURT :-

1. Writ Petition No. 9920 of 2018 is not on board and by the request of the learned counsel for the petitioner, the same is taken on board.

2. In all these petitions, the petitioner has directly approached this Court by preferring this writ petition, challenging the judgment and orders passed in four separate Complaints (ULP) Nos.47 of 2016, 43 of 2016, 51 of 2016 and 45 of 2016, respectively.

3. The petitioners are required to avail of the statutory remedy under Section 44 of the Maharashtra Recognition of Trade Unions and

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

2 - WRIT PETITION NO. 9724 OF 2018 & ORS

Prevention of Unfair Labour Practices Act, 1971 (“the said Act”) by approaching the Industrial Court. This Court in the matter of Engineering Employees Union Vs. Devidayal Rolling & Refinery Pvt. Ltd. [1986 (52) FLR 40 = 1986 Mh.L.J. 331] and Clifford Rebello v. Hotel Oberoi Towers [(2001) III CLR 805], has concluded that the statutory remedy under Section 44 has to be exhausted by the aggrieved person who desires to challenge any order or judgment delivered by the Labour Court under Section 30(2) or under Section 28(1) of the said Act.

4. In view of the above, these petitions are disposed off with liberty to the petitioner to prefer the Revision (ULP) Petitions under Section 44 before the Industrial Court at Ahmednagar. Though there is no limitation prescribed for filing such revision petition, the petitioner is expected to approach the Industrial Court within a reasonable period, keeping in view of the judgment of this Court in the matter of The Gram Panchayat Office Vs. Ramdas Asaram Kalhapure [(2017) I CLR 103].

Ajay
Kishanrao
Losarwar

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signed by
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(RAVINDRA V. GHUGE, J.)

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