

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

WRIT PETITION NO. 13821 OF 2017

Sanjay Manohar Chaudhary

... Petitioner

VERSUS

Maharashtra State Electricity Distribution
Company Ltd & Ors.

... Respondents

.....

Mr Pratap V. Barde, Advocate for the petitioner

None present for the respondent No. 1

Respondent No. 2 served

.....

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 21ST MARCH, 2018.

ORDER:

1. After the petitioner had undertaken the drill of proceeding before the Industrial Court by filing ULP, the present writ petition is filed. The Industrial Court had taken up the proceedings. The evidence was led and subsequently on the ground that it has no jurisdiction has disposed of the ULP. Thereafter, the present writ petition is filed.

2. In the writ petition, it would not be possible to re-appreciate the whole evidence as the writ jurisdiction would be in a narrow compass.

3. The petitioner had initially filed an appeal before the appellate authority against the decision of the disciplinary authority. However, as no decision was taken in the appeal for a period of three years, the petitioner had preferred ULP before the Industrial Court and eventually after the long run trial, the Industrial Court has held that it has no jurisdiction as the petitioner is not a workman.

4. Considering the aforesaid situation, it would be appropriate for the petitioner to file an appeal before the appellate authority and the appellate authority can re-appreciate the evidence and take the decision.

5. If the petitioner files an appeal within a period of three weeks from today, the appellate authority shall consider the appeal on its merits and shall not raise question of limitation. The appeal filed by the petitioner shall be decided expeditiously, preferably within four months from the date of submission of the appeal. All the contentions of the respective parties are kept open.

6. With these observations, the writ petition disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde