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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTER PATENT APPEAL STAMP NO. 6371 OF 2013
IN
WRIT PETITION NO. 9922 OF 2011
WITH
CIVIL APPLICATION STAMP NO. 6376 OF 2013

The State of Maharashtra .. Appellant

Vs.

Shri Jabbar Tukaram Vaidande .. Respondent

Ms. Kavita N. Solunke, AGP for appellant-State.

CORAM: NARESH H. PATIL &
G. S. KULKARNI, JJ.

JULY 25, 2018.

P.C.

1. The appellant – State challenged an order dated 5/8/2010 passed by the Labour Court, Sangli in Complaint (ULP) No. 29 of 2000 and an order dated 10/6/2011 passed by the Industrial Court, Sangli in Revision Application (ULP) No. 20 of 2010 in Writ Petition No. 9922 of 2011 before this court. The Writ Petition No. 9922 of 2011 was considered on merits by the learned Single Judge of this court. By a reasoned order dated 24/4/2012 the learned Single Judge dismissed the said writ petition.

2. In the present LPA, the learned AGP submits that the impugned judgments and orders are contrary to established principles of law. On merits, it is submitted that the respondent, working as a Plantation worker on daily wages, had no right to claim relief which has been prayed in the Complaint filed before the Labour Court. Issue in respect of Social Forestry Department being an industry has been disputed by the appellant – State. The learned AGP, therefore, submits that appeal be admitted and the impugned order needs to be stayed.

3. Recently we had dealt with number of LPAs on identical line filed by the appellant - State i.e. LPA Stamp No.536 of 2012 along with connected matters. We have dismissed the said appeals on 24/7/2018, which had raised identical issue.

4. The learned Single Judge, while dismissing Writ Petition No. 9922 of 2011 by order dated 24/4/2012 observed in paras 5, 6 and 7 as under:

“5. Mr. Sawant, learned AGP appearing for the petitioner – Social Forestry Department, relined upon the judgment of learned Single Judge of this Court in Plantation Office, Social Forestry & Anr. vs. Rashtriya Mazdoor Sena 2009(6) LJSoft 66 to contend that the Social Forestry Department is not an industry.

6. Learned counsel for the respondent, on the contrary, relied upon the Apex court judgment in Chief Conservator of Forests vs. Jagannath Maruti Kondhare [(1996) 2 SCC 293] in which it was held that the Social Forestry Department is an industry within the meaning of Section 2(j) of the said Act.

7. Having considered the rival submissions and the ratios of the decisions relied upon by the respective parties, I do not find any merit in the petition. The decision in Chief Conservator of Forest (supra) is rendered by three judges bench of the Apex Court. The Apex Court in this case has held that Social Forestry Department is an industry. This decision was rendered by the Apex Court, relying upon earlier decision of the constitutional bench of the Apex Court in Bangalore Water Supply & Sewerage Board vs. Rajappa [(1978) 2 SCC 213]. However, contrary view is taken by the Apex Court in another decision, which was rendered by two judges bench in State of Gujarat & Ors. vs. Pratamsingh Narinh Parmar [(2001) 9 SCC 713]. This decision is also on the basis of decision rendered in Bangalore Water Supply case (supra).

5. We have perused the material placed before us and considered the submissions advanced. We have also perused the order dated 24/7/2018 passed by us in LPA Stamp No. 536 of 2012 along with connected matters as well as the order dated 18/12/2017 passed by the Division Bench of this court (Coram : Smt. Vasanti A. Naik and Mr. Sarang V. Konwal,JJ.) in LPA No. 7 of 2017 along with connected matters.

6. We do not find any merit in this appeal. The appeal is accordingly dismissed.

7. Civil Application Stamp No. 6376 of 2013 does not survive and is disposed of.

(G. S. KULKARNI J.)

(NARESH H. PATIL,J.)