

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8042 OF 2019

Gunaji Manaji Kamble

...Petitioner

Versus

The President, Purna Sahakari Sakhar
Karkhana Ltd.

...Respondents

.....
Mr. R. M. Deshmukh, Advocate for the Petitioner.
.....

CORAM : RAVINDRA V. GHUGE, J.

DATE : 02-07-2019.

PER COURT :

01. I have heard the learned Advocate for the petitioner at length and have gone through the petition paper book with his assistance.

02. The petitioner has suffered a long journey of litigation. He worked as a Telephone Operator during 1983-1989. Though there are no pleadings he contends that he worked even thereafter and was orally terminated in May 2006. He preferred Complaint (ULP) No. 123/2008 which was dismissed by Judgment dated 8.4.2009. He was further granted seasonal work as and when it is available. He preferred Revision (ULP) No. 45/2010 which was partly

allowed and he was granted reinstatement with continuity of service. He then preferred Criminal (ULP) No. 21/2012, which was settled in mediation and he was granted reinstatement.

03. After he was reinstated on 12.3.2013, pursuant to the Order in mediation dated 1.3.2013, he was forced to submit an application for voluntary retirement and his signatures were obtained on blank papers. Instead of challenging the said alleged involuntary termination, he approached the Labour Court in Recovery Application No. 17/2013 under Section 50 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. Same was dismissed by Judgment dated 1.9.2015. He preferred Revision (ULP) No. 32/2016 and the same was dismissed by Judgment dated 21.11.2017.

04. I find that the petitioner has been an unfortunate employee, as he was ill advised. He should have challenged his alleged involuntary termination dated 12.3.2013 rather than moving an application under Section 50.

05. Considering above, this petition is disposed off. As the petitioner has an alternate efficacious remedy of raising an industrial dispute under Section 2(A)

of the Industrial Disputes Act, 1947 liberty to take recourse to such a remedy is granted.

[RAVINDRA V. GHUGE]
JUDGE

Dahibhate/-