

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.177 OF 2019

Secretary, Agriculture Product Market Committee, Daryapur, Dist. Amravati and anr.

-vs-

Milind s/o Manohar Taral

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri V. G. Palshikar, Advocate for petitioners.

Shri N. R. Saboo, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.

DATE : April 29, 2019

The petitioners are aggrieved by the order passed by the Labour Court in a complaint filed under Section 28 of the Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act, 1971. The order of reinstatement with continuity in service but without back-wages has been confirmed by the Industrial Court.

2. Shri V. G. Palshikar, learned counsel for the petitioners urged that the various documents sought to be relied upon by the respondent-complainant were not duly exhibited and hence they could not have been taken into consideration while allowing the complaint. He

referred to the evidence of the complainant in that regard. According to him since the documentary material on record was not duly proved the same could not have been taken into consideration for directing reinstatement. Moreover, appointment of the respondent was not on a sanctioned post. On these counts the impugned order was liable to be set aside.

3. Shri N. R. Saboo, learned counsel for the respondent supported the impugned judgment. According to him various documents placed on record by the complainant were not challenged by the petitioner. He referred to the cross-examination of the Secretary of the petitioner No.1 wherein he admitted that the respondent was working since last ten years continuously. Moreover, the petitioners did not file any other document to substantiate their defence as raised. By virtue of the interim order as passed the respondent had been reinstated and hence no interference was called for.

4. On hearing the learned counsel for the parties and after perusing the impugned order it is found that the Labour Court has taken into consideration the entire material on record while holding that there was a breach of provisions of Sections 25F and 25G of the Industrial Act, 1947. In the cross-examination of the Secretary it was admitted that the respondent was working since last ten years and except Sundays and public holidays, his discharge of duty was continuous in nature. The respondent had placed sufficient material on record to warrant passing the impugned order of reinstatement but without back-wages. On considering the entire material on record, I do not find any reason to take a different view from the one taken by the Courts below especially when there is no jurisdictional error.

5. The Writ Petition is therefore dismissed with no order as to costs.

JUDGE