

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.313 OF 2019

(GRAM PANCHAYAT SAGWAN...VS.. VILAS HARIBHAU MANWATKAR & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Ms D.V.Sapkal, Advocate for Petitioner.

Ms S.W.Deshpande, Advocate for Respondent Nos.2 and 3.

CORAM : Z.A.HAQ, J.

DATED : MARCH 01, 2019.

Heard.

The respondent No.1/employee has filed complaint under Section 28 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (hereinafter referred to as “the Act of 1971”) which is pending before the Industrial Court. The present respondent Nos.2 and 3 i.e. Zilla Parishad and Block Development Officer are impleaded as Non-applicants in the complaint filed before the Industrial Court. In these proceedings, the petitioner had filed application (Exh.U-8) seeking permission to participate in the proceedings as respondent. This application (Exh.U-8) is rejected by the Industrial Court by the impugned order.

The Industrial Court has recorded that the intervener is not necessary party to the proceedings filed by the complainant.

The employee has challenged the order dated 21st June 2018 by which he is transferred from Gram Panchayat,

Sagwan to Panchayat Samiti, Buldana and then is posted as Taluka Co-ordinator of Swachha Bharat Abhiyan. According to the petitioner, who claims to be the Sarpanch of Gram Panchayat, Sagwan, if the complaint filed by the respondent No.1 is allowed, then he will be posted with Gram Panchayat, Sagwan and this is being opposed by Gram Panchayat, Sagwan and in this background the petitioner is necessary party to the proceedings.

After considering the submissions made on behalf of the petitioner and examining the controversy, I concur with the conclusions of the Industrial Court and hold that the petitioner is neither necessary nor proper party to the proceedings before the Industrial Court. The application Exh.U-8 is rightly dismissed by the Industrial Court. I see no reason to interfere with the impugned order.

The writ petition is **dismissed**. In the circumstances, the parties to bear their own costs.

JUDGE