

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

Writ Petition No.961 of 2018

**(Shri Vinod Wankhede and another .vs. Shri Subhash Ramdas Bhoyar,
Wardha)**

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

Court's or Judge's orders.

Mr. C.R. Sharma, Advocate for Petitioners.
Mr. S.G. Zinjarde, Advocate for Respondent.

CORAM : Manish Pitale, J.
DATED : March 01, 2019.

By this writ petition, the petitioners have challenged the judgment and order dated 13.11.2017 passed by the Labour Court, Wardha, whereby complaint of the respondent was allowed and relief of reinstatement with full back wages was granted by the Labour Court. While issuing notice on 20.02.2018, this Court directed the petitioners to deposit amount of back wages as directed by the Labour Court in the impugned order and interim stay limited to back wages was granted in favour of the petitioners. It is an admitted position that the petitioners deposited the said amount in this Court.

2. A preliminary objection was raised on behalf of the respondent that the petitioners had a remedy of filing a revision petition under Section 44 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 and that, therefore, this writ petition directly could not have been filed by the petitioners to challenge the impugned order.

3. The learned counsel appearing for the petitioners, on instructions, makes a statement that the petitioners are ready to reinstate the respondent forthwith and a prayer is made that the petitioners be granted liberty to approach the Industrial Court to invoke the revisional jurisdiction. It is contended that the amount of back wages deposited by the petitioners before this Court could be transferred to the Industrial Court.

4. In view of the above, the writ petition is disposed of by accepting the statement of the petitioners that they shall reinstate the respondent forthwith. Subject to such reinstatement of the respondent forthwith, the petitioners are granted liberty to approach the Industrial Court to invoke revisional jurisdiction to challenge the impugned order. As a consequence of such petition being filed on behalf of the petitioners before the Industrial Court, they would be at liberty to apply to this Court to transfer the amount of back wages deposited in this Court to the Industrial Court.

5. Writ petition is disposed of.

JUDGE

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