

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

909 WRIT PETITION NO.3884 OF 2020

AVDHOT GANGARAM PATIL
VERSUS
RAYMOND LTD JALGAON

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Advocate for Petitioner : Shri Barde Parag Vijay

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CORAM : RAVINDRA V. GHUGE, J.
Dated: March 11, 2020

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PER COURT :-

1. By this petition, the petitioner / complainant seeks to challenge the order dated 24.9.2019 passed by the Industrial Court, Jalgaon, concluding that it has no jurisdiction to deal with the correction of the date of birth of the petitioner, since he has already retired on 27.11.2017 and has preferred an independent Complaint (ULP) No.7 of 2018 under item (1) of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 ("the said Act"). The Industrial Court, therefore, concluded that the basis of the challenge before the Labour Court is a premature retirement based on an alleged incorrect date of birth and hence the Labour Court would be considering the said issue.

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2. The record reveals that the petitioner joined employment with the respondent on 4.3.1982 and the date of birth 27.11.1957 mentioned at the time of joining, was recorded in the service book. The petitioner has preferred Complaint (ULP) No.43 of 2017 before the Industrial Court on 2.11.2017, which is about 25 days prior to his superannuation.

3. In my view, when the Labour Court is dealing with the Complaint of premature retirement on the ground of an allegedly erroneous date of birth, a parallel proceeding before the Industrial Court need not be continued. Technically, though the Industrial court could have entertained the ULP Complaint, as the learned Advocate for the petitioner submits that he would be amending his complaint before the Labour Court and putforth additional legal grounds, that **THIS PETITION IS DISPOSED OFF**. In the event the petitioner files an application for amending his complaint before the Labour Court, the said application would be considered on its own merits.

(RAVINDRA V. GHUGE, J.)

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