

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2734 OF 2019

MAHATMA PHULE YUVAK VIKAS MANDAL
 THROUGH ITS PRESIDENT MR. RAMESH BABURAO SONAWANE
 VERSUS
 SMT. YOGITA VASUDEO PATIL AND OTHERS

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Advocate for Petitioner : Mr. Pralhad D. Bachate and
 Mr. Abhinay D. Khot

Advocate for Respondent No.1 : Mr. Shrikant S. Patil
 AGP for Respondents No.2 and 3 – State : Mr. P. N. Kutti
 Advocate for Respondents No.4 to 6 : Mr. Rakesh N. Jain

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CORAM : MANGESH S. PATIL, J.

DATE : 18.08.2021

PER COURT :-

After hearing both the side, for a while it transpires that this Court by order dated 10.07.2019, after having applied its mind has made following observations, in paragraphs No. 3 and 5 -

“3. I find, *prima facie*, that the impugned order is an example of jurisdictional over-reach. Considering the judgment delivered by the Hon’ble Apex Court in the matter of **Hindustan Lever Vs. Ashok Vishnu Kate**, (1995) 6 SCC 326, the Industrial Court could not have issued the above stated directions. It is equally surprising that the Industrial Court has devoted 89 printed pages for passing an interlocutory order.

5. Until further orders, the impugned order dated 17.12.2018 shall stand stayed. However, the services of the original Complainant herein shall not be dispensed with without the leave of this Court. Copies of the petition-paper book, for issuance of notices, shall be supplied on or before 18.07.2019, failing which, this petition shall stand dismissed without reference to the Court on 19.07.2019.”

2. The parties are now unanimous that the arrangement as has been spelt out in paragraph No. 5 can be allowed to continue, leaving it to the Industrial Court to decide the matter finally but expeditiously.

3. In view of such unanimous stand of the parties, the Industrial Court now shall proceed with the hearing and decide the matter finally as early as possible and preferably within a period of six months in any case.

4. Till then, the arrangement as mentioned in the paragraph No. 5 above to continue.

5. The Writ Petition is disposed of.

(MANGESH S. PATIL)
JUDGE