

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
WRIT PETITION NO.2031 OF 2020

Bhaiyalal s/o Govinda Tuppat,
Aged about 65 years, Occu: Retired,
R/o Palewada, Post: Mundipar,
Tah. Goregaon, Distt. Gondia.

...PETITIONER

...V E R S U S...

- 1) Range Forest Officer,
Goregaon Forest Range Office,
Tahsil Goregaon, Distt. Gondia-441801.
- 2) Assistant Conservator of Forest,
Forest Office, Gondia,
Tah. and Dist. Gondia-441601.
- 3) Chief Conservator of Forest,
Forest Office, Civil Lines,
Nagpur-440001.

...RESPONDENTS

Shri S.K. Verma, Advocate for petitioner.
Smt. M.A. Barabde, A.G.P. for respondents.

CORAM:- V. M. DESHPANDE, J.
DATED :- 15th FEBRUARY, 2021.

ORAL JUDGMENT

Rule. Rule is made returnable forthwith. Heard finally
by consent of the parties.

(2) Heard Shri S.K. Verma, learned counsel for the
petitioner and Smt. M.A. Barabde, learned Assistant Government
Pleader for respondents.

(3) The petitioner filed a Complaint (ULP) No.24 of 2017
before the Industrial Court, Bhandara. By filing complaint the

petitioner sought the relief from the Court that he is entitled for the benefits of pension scheme.

(4) In the complaint it was stated that he was appointed as a Forest Labour in the office of Range Forest Office at Goregaon on 01.02.1990 and he has worked continuously for a period of 18 years. He stood retire on 31.12.2014 on attaining age of superannuation, however he was not given the benefits of pension. Therefore, the complaint was filed.

(5) Before approaching to the Court he sent a legal notice (Exhibit-11) through an advocate, which was also placed on record in the compliant proceedings before the Labour Court. The said notice was replied by the respondent-Department vide reply notice dated 16.01.2017 (Exhibit -13).

(6) After the parties adduced to the evidence the learned Member of the Industrial Court vide judgment and order dated 18.10.2019 dismissed the complaint. Hence, this writ petition.

(7) During the course of hearing the learned counsel for the petitioner submitted that learned Member of the Industrial Court did not consider the legal notice (Exhibit-11) and the reply thereon given by the respondent-Department (Exhibit-13), in

which it has been stated that the petitioner was working from 01.02.1990. He, therefore, submitted that the matter be remanded back to the Industrial Court to give fresh consideration after considering the Exhibits – 11 and 13.

(8) Smt. Barabde, learned Assistant Government Pleader for respondents also could not point out the consideration of the Exhibits-11 and 13.

(9) It was obligatory on the part of learned Member of Industrial Court to consider the documents filed on record by the parties. It is altogether different that the Court may accept or reject the document, however there shall be consideration and the Court shall give the reasons as to why the Court is accepting or rejecting a particular document.

(10) In that view of the matter, the writ petition is partly allowed. The impugned judgment and order passed by learned Member, Industrial Court, Bhandara dated 18.10.2019 in Complaint (ULP) No.24 of 2017 is hereby quashed and set aside. The Complaint (ULP) No.24 of 2017 is restored to its file.

(11) Learned Member, Industrial Court, Bhandara is hereby directed to give fresh hearing to the petitioner as well as

respondents and shall give verdict in accordance with law, after considering the documents at Exhibits – 11 and 13.

(12) The parties are directed to appear before the learned Member, Industrial Court, Bhandara on 17.03.2021. Thereafter, the learned Member, Industrial Court, Bhandara shall decide the said complaint in accordance with law, as early as possible and within a period of eight months from 17.03.2021.

(13) Record and proceedings be sent back immediately.

Rule is made absolute in above terms. No order as to costs.

JUDGE

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