

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

936 **WRIT PETITION NO. 6418 OF 2022**

MADHURABAI SHESHRAO PATEKAR AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA THROUGH
GOVERNMENT LABOUR OFFICER AND ANOTHER

...
Advocate for Petitioners : Mr. Yatin Thole h/f. Mr. Vaidya Sachin M.
AGP for the respondent – State : Mr. K.B. Jadhavar
...

CORAM : MANGESH S. PATIL, J.

DATE : 22 JULY 2022

PC :

Heard.

2. The Labour Court decided a reference made over to it by the Deputy Commissioner of Labour, Aurangabad under section 10(1) and 12(5) of the Industrial Disputes Act, 1947 which was allowed on 18-11-2013 whereby the then *Sarpanch* of Gram Panchayat, Turkabad Kharadi, Taluka – Gangapur, District – Aurangabad which was a first party had directed to reinstate the respondent no. 2 herein who was the second party, from the date of his oral termination with full back-wages.

3. Because of non-compliance of the directions, the labour officer filed a private complaint against the petitioners being the former *Sapranchas* and *Gramsevaks* for commission of the offence under section 17-A(1) of the Industrial Disputes Act, 1947 punishable under

section 29 of that Act. The process was issued and the applicants were released on bail in the year 2018.

4. By way of the present writ petition, the petitioners are impugning the order passed by the Labour Court in the reference and even the criminal case.

5. On a query put by me as to how the criminal case can be withdrawn in this petition, learned advocate Mr. Thole seeks leave to delete the prayer clauses (C) and (D) with liberty to prefer appropriate proceedings.

6. Leave is granted.

7. Prayer clauses (C) and (D) are allowed to be deleted with liberty as prayed for.

8. After hearing the arguments of the learned advocate for the petitioners, it appears that they are seeking to challenge the award passed in the years 2009 after a lapse of more than 13 years.

9. Besides, none of them was apparently a party to the reference. In the circumstances, it is indeed a question of *locus standi* and the enormous delay.

10. It appears that since perhaps the petitioners are now carrying a perception that they could be proceeded against in contempt, the proceedings which has been initiated in the year 2016

notices of which they received in 2018, that they now are approaching this Court.

11. Learned advocate for the petitioners points out that the respondent no. 2 was paid different amounts and the last being in September 2019 and it is only thereafter that the period of delay may be considered.

12. Accepting the statement of the learned advocate for the petitioners even after last payment, almost three years have elapsed. In my view, this does not explain the enormous delay.

13. The writ petition is dismissed.

[MANGESH S. PATIL]
JUDGE

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