

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

935 WRIT PETITION NO.8714 OF 2021

**SAHADU PANDURANG RASKAR & ANOTHER  
VERSUS  
THE STATE OF MAHARASHTRA & OTHERS**

...  
Advocate for the petitioners : Mrs.Manjusha S. Jagtap  
Addl.G.P. for the respondent-State : Mr.P.S.Patil  
...

**CORAM : RAVINDRA V. GHUGE &  
S.G.DIGE, JJ.**

DATE : 06.04.2022

**P.C. :**

1. The petitioners pray that this Court should exercise it's extra ordinary jurisdiction under Article 226 of the Constitution of India and deal with prayer clauses-B and C, which read as under :

- B) Issue writ, order or direction in the nature of mandamus, commending the respondents to make the payment to the present petitioners, of the post retiral dues, including arrears and differences of salary with interest, regularize the suspension period and pay all the pensionary benefits with interest to the present petitioners on the delayed payment and to award cost.

- C) Issue writ of mandamus in the nature of directions to the respondents, to regularize the suspension period of the present petitioners and pay arrears of salary with interest and all pensionary benefits of the suspension period to the petitioners.

2. The petitioners have raised the issue of legal victimization and favoritism shown by respondent no.2 in favour of other employees

3. In our view, the petitioners have a statutory remedy either under item nos. 6 and 9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, by approaching the Industrial Court or raise an industrial dispute under Section 2 (k) of the Industrial Disputes Act, 1947, keeping in view that the petitioners are workmen under Section 2 (s) of the Industrial Disputes Act and respondent no.2 is an industry under Section 2 (j) of the said Act.

4. In view of the above, this petition is disposed off with liberty.

**[S.G.DIGE, J.]**

**[RAVINDRA V. GHUGE, J.]**