

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2069 OF 2021

VENKAT DNYANOBA POTDAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Ram S.Shinde, Advocate for the petitioner.
Mrs.R.P.Gaur, AGP for respondent Nos. 1 to 3.
Mr.P.V.Barde, Advocate for respondent No.4.

(CORAM : RAVINDRA V. GHUGE AND
S.G. DIGE, JJ.)

DATE : APRIL 11, 2022

PER COURT :

1. This matter was heard for some time.
2. After a pass over, the learned Advocate for the petitioner submits that since he was an accountant with respondent No.4 and is a workman u/s 2(s) of the I.D.Act, 1947, he would prefer to approach the Labour Court by preferring a Complaint (ULP) under the MRTU and PULP Act, 1971, He, therefore, seeks leave to withdraw this petition.
3. The learned Advocate for the Municipal Council submits that

there would be no objection as regards the legal status of the petitioner if he prefers a remedy before the Labour Court.

4. Considering the above and since the judgment of acquittal is delivered by the Competent Court on 15.04.2019 in Reg.Criminal Case No. 251/2017, we grant liberty to the petitioner to avail the remedy as prescribed under the Industrial Disputes Act by raising an industrial dispute u/s 2A since it is a deemed industrial dispute and the matter would be referred to the Labour Court. We expect the Conciliation Officer to conclude the conciliation proceedings within 45 days from the date on which the demand notice is raised and considering that it is a deemed industrial dispute owing to the dismissal of the petitioner, the appropriate Government would pass an appropriate order with regard to referring the dispute to the Labour Court at Latur within 45 days from the date of the failure report.

5. Needless to state, all the contentions of the litigating parties are kept open.

(S.G. DIGE, J.)

(RAVINDRA V. GHUGE, J.)