

Diksha Rane

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 944 OF 2022**

Mukhya Vansanrakshak (Pradeshik)
Samajik Vanikar Vibhag Pune & ors. ..Petitioners
vs.
Mahadev Vaijanath Karnade ..Respondent

**WITH
WRIT PETITION NO. 11196 OF 2022**

Mukhya Vansanrakshak (Pradeshik)
Samajik Vanikar Vibhag Pune & ors. ..Petitioners
vs.
Kuber Maruti Agegaonkar ..Respondent

**WITH
WRIT PETITION NO. 11195 OF 2022**

Mukhya Vansanrakshak (Pradeshik)
Samajik Vanikar Vibhag Pune & ors. ..Petitioners
vs.
Narayan Pralad Chavan ..Respondent

**WITH
WRIT PETITION NO. 11194 OF 2022**

Mukhya Vansanrakshak (Pradeshik)
Samajik Vanikar Vibhag Pune & ors. ..Petitioners
vs.
Vijay Kondiba Kamble ..Respondent

**WITH
WRIT PETITION NO. 11197 OF 2022**

Mukhya Vansanrakshak (Pradeshik)
Samajik Vanikar Vibhag Pune & anr. ..Petitioners
vs.
Saudhagar Muralidhar Jadhav ..Respondent

**WITH
WRIT PETITION NO. 413 OF 2022**

Mukhya Vansanrakshak (Pradeshik)	
Samajik Vanikar Vibhag Pune & anr.	..Petitioners
vs.	
Gajendra Shivaji Mandave	..Respondent

**WITH
WRIT PETITION NO. 363 OF 2022**

Mukhya Vansanrakshak (Pradeshik)	
Samajik Vanikar Vibhag Pune & anr.	..Petitioners
vs.	
Appa Babu Pawar	..Respondent

**WITH
WRIT PETITION NO. 364 OF 2022**

Mukhya Vansanrakshak (Pradeshik)	
Samajik Vanikar Vibhag Pune & anr.	..Petitioners
vs.	
Shahu Narhari Dalave	..Respondent

Smt. M. S. Bane, AGP for the petitioners.	
Smt. Seema Sarnaik i/b. Ms. Sangeeta Salvi for respondent.	

CORAM : M. S. KARNIK, J.

DATE : OCTOBER 12, 2022.

ORAL ORDER :

- 1.** Since common issue is involved in these writ petitions, the same are disposed of by a common order with consent of the parties.
- 2.** Heard Ms. M. S. bane, learned AGP for the petitioners and Ms. Seema Sarnaik, learned counsel for the

respondent.

3. Assailing the order passed by the Industrial Court, learned AGP submitted that the order is a cryptic order. Virtually no reasons are assigned while granting reliefs in favour of the respondents-workmen.

4. Learned counsel Smt. Sarnaik placed before me some documents to justify the findings of the Industrial Court. However, these documents were not placed for consideration before the Industrial Court.

5. I have gone through the impugned order. The Industrial Court has observed that the workmen has successfully demonstrate that the employer has shown favoritism or partiality to one set of workers. The Industrial Court took into consideration the averment in paragraph 4 of the main complaint about similar situate workers given permanency. I find that hardly any reasons are assigned by the Industrial court in support of its findings.

6. After I expressed an opinion that the order passed is a cryptic order, learned counsel Smt. Sarnaik, on instructions, submits that the matter could be remitted back to the Industrial Court for a fresh decision on merits. She further submitted that as the contention of the workmen is that one set of similar situate workers are already given benefits of permanency, a fair opportunity may be given to the workmen to lead further evidence and also rely upon additional documents in support of the workmen's case.

- 7.** In the interest of justice, I feel that such a course appears to be reasonable which will meet the ends of justice.
- 8.** The impugned orders are set aside. The matter is remitted to the Industrial Court.
- 9.** Parties to appear before the Industrial Court on 10/11/2022 along with the copy of this order.
- 10.** Parties are permitted to lead additional evidence and produce the documents in support of their respective cases.
- 11.** Considering that the complaints are of the year 2019, the Industrial Court is requested to hear the complaints expeditiously and preferably within a period of six (6) months from 10/11/2022.
- 12.** Interim arrangement, if any in operation, when the matters were pending before the Industrial Court to continue.
- 13.** All contentions are kept open.
- 14.** The writ petitions are disposed of.

(M.S.KARNIK, J.)