

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 936 OF 2021
(Gajanan Santosh Pardhi Vs. Mahindra & Mahindra Limited)
WITH
WRIT PETITION NO. 1716 OF 2021
(Vinod Baburaoji Mohale Vs. Mahindra & Mahindra Limited)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mrs. S.P. Giratkar, Advocate for Petitioner
Mr. M.R. Puranik Advocate for Respondent

CORAM : MANISH PITALE, J.

DATE : 26th APRIL, 2022

Insofar as Writ Petition Nos.936/2021 & 1716/2021, are concerned, it is contended by the learned counsel appearing for the respondent – employer that the said petitions deserve to be dismissed as the law laid down by this Court in identical case between **Mahindra and Mahindra Ltd., Nagpur Vs. Sunil Namdeorao Zade** reported in **2021(3) Mh.L.J.589**, completely covers the case against the petitioners and in favour of respondent – employer. In the said judgment also this Court was concerned with identical complaints, where the employees claimed unfair labour practices under items No.5 and 9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of

Unfair Labour Practices Act, 1972 (M.R.T.U. & P.U.L.P. Act). It was found in the said judgment concerning identical facts that since the service of the employees with the respondent company had ceased years before the complaints were filed before the Industrial Courts, the complaints could not have been entertained, much less any relief being granted in favour of the employees. In Writ Petition No.936/2021, admittedly the petitioner claims to have been employed with the respondent – company between 10/11/1994 and 09/11/1995, while the complaint before the Industrial Court invoking provisions of the said Act was admittedly filed on 27/11/2014.

2. Similarly, in Writ Petition No.1716/2021, the petitioner claims to have been employed with the respondent – company between 17/12/1998 to 16/12/1999 and the complaint was filed on 01/12/2014.

3. The aforesaid admitted facts of the present cases show that the position of law regarding entertaining such complaints before the Industrial Court under the provisions of the said Act, is clearly covers against the petitioners and in favour of the respondent – company, as per the reported judgment in the case of **Mahindra and Mahindra Ltd., Nagpur Vs. Sunil Namdeorao Zade** (supra).

4. The learned counsel for the petitioners could not bring to the notice of this Court any distinction on facts, so as to demonstrate that any other view can be taken in the matter.

5. Hence, for the reasons stated in the aforesaid reported judgment concerning identical facts, the present writ petitions are dismissed and the impugned judgments and orders are confirmed.

JUDGE