

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

WRIT PETITION NO. 1721 OF 2021

(Ishwardas S/o Ajabrao Borikar Vs. Mahindra & Mahindra Limited)

WITH

WRIT PETITION NO. 1722 OF 2021

(Dilip S/o Chabilal Chaudhari 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. Shilpa Giratkar, Advocate for Petitioners

CORAM : MANISH PITALE, J.

DATE : 21st APRIL, 2022

The petitioners in these two writ petitions have challenged judgments and orders passed by the Industrial Court at Nagpur. The petitioners have claimed that the respondent – employer has indulged in unfair labour practice under Item Nos.5 and 9 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (M.R.T.U. & P.U.L.P. Act). In writ petition No. 1721/2021, the petitioner claims to have worked with respondent – employer between April 2004 to November 2004 and in Writ Petition No.1722/2021, the petitioner claims to have worked with respondent – employer between August 1991 to March 1992, with certain breaks in service.

2. The complaints under Section 28 of the aforesaid Act were admittedly filed before the Industrial Court in the year 2012.

3. In similar cases, where the complaints were preferred by the employees after number of years against the very same employer claiming unfair labour practices under the aforesaid Act, this Court took into consideration the entitlement of such employees to raise grievance, in the face of the admitted fact that the employment had ceased years ago.

4. In the case of **Mahindra and Mahindra Ltd. Vs. Sunil Namdeorao Zade and another in Writ Petition No.7085 of 2019 and connected writ petitions**, this Court by judgment and order dated 27/11/2020, in identical circumstances allowed the petitions and set aside the orders passed by the Industrial Court granting relief to the employees. The position of law in this regard was appreciated by this Court in the said detailed judgment and after analyzing identical facts in the light of the provisions of the said Act and judgments of the Hon'ble Supreme Court as well as this Court, it was found that the said complaints could not have been entertained by the Industrial Court.

5. The learned counsel for the petitioners could not show any distinguishing feature in the present petitions. Hence, by relying upon the reasoning in the aforesaid judgment of this Court passed in Writ Petition No.7085 of 2019, the present writ petitions are dismissed.

JUDGE