

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2115 OF 2021

Dhirajsingh s/o Vinodsingh Rana R/o Khamari, Tah. And Dist. Gondia and ors.

-vs-

Agriculture Produce Market Committee, Gondia Thr. Its Chairman, Tah. And Dist. Gondia and
ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri I. N. Choudhari, Advocate for petitioners.
Shri G. G. Bade, Advocate for respondent Nos.1 and 2.
Ms Mayuri H. Deshmukh, Assistant Government Pleader for
respondent No.3.

CORAM : A. S. CHANDURKAR AND SMT M. S. JAWALKAR, JJ.
DATE : March 10, 2022

The petitioners claim to be in engagement with respondent Nos.1 and 2 Agricultural Produce Market Committee, Gondia on the post of Junior Clerk. It is their case that their services came to be placed under suspension for unjustified reasons. The petitioner No.1 seeks arrears of leave salary for August and September 2018, arrears of salary of October and November 2018, arrears of earned leave of the month of December 2018 and arrears of subsistence allowance during suspension period and arrears of salary from 13/02/2019 onwards. The petitioner No.2 seeks arrears of salary for September and October 2018, arrears of subsistence allowance and arrears of salary from 07/03/2019 onwards. The petitioner N.3 seeks arrears of salary from September to December 2018.

2. In the reply filed by respondent Nos.1 to 2 it is stated that the petitioner No.1 had filed complaint ULP No.25/2019 in

which there was a prayer for seeking salary for the months of August, September and December 2018. This complaint was filed on 25/11/2019 and was withdrawn unconditionally on 02/02/2021. The petitioner No.2 had filed Complaint ULP No.22/2019 with regard to his entitlement to arrears of salary for the months September and October 2018. This complaint was filed on 17/10/2019 and was withdrawn unconditionally on 02/02/2021. The petitioner No.3 had filed Complaint ULP No.10/2019 which came to be dismissed on merits on 03/09/2021.

3. After hearing the learned counsel for the parties we find that disputed question with regard to the rendering of services of petitioner Nos.1 and 2 arises. The petitioners seek to rely upon the reply filed by the respondent Nos.1 and 2 before the Labour Court that they were on duty with the Market Committee. According to the learned counsel for the respondent Nos.1 and 2, they were not reporting for duty and action had been proposed against them. The respondent No.3 would be required to challenge the dismissal of his complaint.

4. We find that disputed questions arise for adjudication. With liberty to the petitioners to take appropriate steps for redressal of their grievances as are permissible in law, the writ petition is not entertained. It is accordingly disposed of. The points raised are kept open. No costs.