

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

WRIT PETITION NO. 2172 OF 2022

(Mahendra s/o Ramdas Nagrale ..vs.. MSRTC, through its Divisional Controller, Amravati and
another)

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

Court's or Judge's orders

Mr. C.V. Jagdale, Counsel for the petitioner.

CORAM : ROHIT B. DEO, J.

DATED : 22-04-2022

The challenge is to the order dated 14-10-2019 rendered by the Labour Court in Complaint (ULP) 10/2018 whereby the preliminary issue framed on the aspect of the fairness of the enquiry is answered in favour of the respondent-employer, and to the order dated 23-3-2022 rendered by the Industrial Court whereby the revision preferred by the petitioner-employee is dismissed.

2. It is well settled that writ jurisdiction ought not to be ordinarily exercised if the order impugned decides preliminary issues. The employee is always at liberty to challenge such orders if there is any occasion for him to challenge the final order in the pending complaint.

3. It would be apposite to note the articulation of the Hon'ble Supreme Court in *The Cooper Engineering Limited vs. Shri P.P. Mundhe, (1975) 2 SCC 661*, particularly in paragraph 22 thereof and in *D.P.*

Maheshwari vs. Delhi Administration and Others, (1983)

4 SCC 293. The Hon'ble Supreme Court has clearly leaned in favour of expeditious adjudication of disputes.

4. I see no reason to interfere in writ jurisdiction.

5. The petition is dismissed. Every contention raised herein is kept expressly open for the employee to agitate while challenging the final decision in the complaint, if the occasion so arises.

JUDGE

adgokar