

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

WRIT PETITION NO. 7619 OF 2019

1. Maharashtra Ex-Servicemen Corporation Limited, through its Regional Manager, R/o Sainik Boy's Hostel, In front of Hislop College, Nagpur.
2. Maharashtra Ex-Servicement Corporation Limited, through its Director/General Manager, in front of Raigarh Rashtriya Kuddha Smarak, Ghorpadi, Pune.

.... PETITIONERS

// VERSUS //

Himachal s/o Tikram Pardhi, Aged about 52 years, Occupation : Ex-Serviceman, R/o Dongargaon, (Khadki), Tah. Tirora, Distt. Gondia.

.... RESPONDENT

Mrs. Neerja G. Chaubey, Advocate for the petitioners.
Shri I.N. Chaudhari, Advocate for the respondent.

CORAM : ROHIT B. DEO, J.
DATED : 01.03.2022

ORAL JUDGMENT :

Heard. **RULE.** With consent, the petition is heard finally.

2. The petitioners are the respondents in Complaint (ULPA) 2 of

2018, which is preferred by the respondent-sole seeking a declaration that his transfer from Tirora to Gondia is an unfair labour practice. The petitioners preferred an application dated 14.03.2019 requesting the Industrial Court for deciding the preliminary objection that since the appropriate Government *qua* the petitioners are the Central Government, the complaint is not maintainable.

3. The preliminary objection is rejected by the Industrial Court vide order dated 10.10.2019, on the premise that the issues are framed and the evidence of the complainant is also partly recorded. It appears that there is no adjudication on the merits of the contention that the appropriate Government is the Central Government.

4. Be that as it may, it would not be appropriate for this Court to delve deeper. It would be more appropriate if all the issues are decided by the Industrial Court, including the issue as regards the appropriate Government, at the stage of final hearing. Needless to observe, if the ultimate decision is adverse to the petitioners herein, all contentions can be appropriately raised while challenging the final decision of the Industrial Court.

5. Subject to the observation *supra*, the petition is dismissed.

(ROHIT B. DEO, J.)