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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13248 OF 2022

Bhusawal Peoples Co-operative Bank Ltd.,
Through its Liquidator

PETITIONER

VERSUS

Durgadas Pandurang Mahajan

RESPONDENT

.....
Mr. Vijay B. Patil, Advocate for the petitioner
Mr. Swapnil S. Patil, Advocate for the respondent
.....

WITH
WRIT PETITION NO.13252 OF 2022

Bhusawal Peoples Co-operative Bank Ltd.,
Through its Liquidator

PETITIONER

VERSUS

Subhash Dattatray Patil

RESPONDENT

.....
Mr. Vijay B. Patil, Advocate for the petitioner
.....

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 24th APRIL, 2023

ORDER :

1. Both these petitions raise similar questions of law and facts and hence, they were heard together and are being decided by this common order.

2. Petitioner is the Bank and the respondents were admittedly serving with the Bank as clerks. Departmental Inquiry was initiated against both the respondents and they were dismissed from service.

3. The respondents filed Complaint (ULP) No. 33 of 2008 and 31 of 2008, respectively. In the said complaints, preliminary issue as to whether the complainants are workmen and whether inquiry was conducted by following principles of natural justice was framed. The Labour Court decided the issue in favour of the complainants – workmen.

4. Decision of the Labour Court was challenged by the Bank in Revision. The Revisional Court has dismissed the Revision Applications filed by the petitioner – Bank. Hence, the present writ petitions.

5. Heard learned advocate for the petitioner and learned advocate for respondent in Writ Petition No. 13248 of 2022. Perused the writ petition memo, annexures and the impugned orders.

6. Admittedly, both the respondents were working as clerks. After recording the evidence, the Labour Court has rightly

arrived at a finding that both the respondents fall within the definition of workmen and complaints filed by them are maintainable. The said finding is confirmed by the Revisional Court.

7. Both the courts have recorded concurrent findings of fact, on the basis of material available on record. There is no illegality or perversity in the orders impugned in the present petitions. No case is made out by the petitioner to exercise extraordinary writ jurisdiction. Writ petitions, being devoid of merit, are dismissed.

[NITIN B. SURYAWANSHI]
JUDGE