

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.11286 OF 2022

Narendra Shankarrao Kale

...Petitioner

vs.

The Secretary of Shri Ravindra Narayan
Hire Krishi Utpana Bazar Samiti and Others

...Respondents

Mr. Bhushan Deshmukh a/w. Mr. Vedant Bende, for the Petitioner.

CORAM : N. J. JAMADAR, J.

DATE : JUNE 06, 2023

P.C.:

1. Heard the learned counsel for the petitioner.
2. The challenge in this petition is to a judgment and order dated 30th April, 2022 passed by the learned Member, Industrial Court, Nashik whereby the complaint preferred by the petitioner under the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 for denying the promotion despite being senior in service to respondent Nos. 4 and 5 came to be dismissed, holding that respondent Nos. 1 and 2 have not indulged in any unfair labour practices.
3. The learned counsel for the petitioner would urge that respondent Nos. 4 and 5 are shown to be junior in the seniority list maintained by the Market Committee. Yet, respondent Nos. 4 and 5 came to be promoted under the resolution passed by the Market

Committee.

4. The learned Member, Industrial Court after appraisal of the evidence on record has observed in paragraph 14 of the impugned judgment that the criteria for promotion was seniority-cum-merit and the respondent Nos. 1 and 2 have promoted the respondent Nos. 3 to 5 by following a proper procedure having regard to the suitability and the relative merit of the candidates. A justifiable finding is recorded that respondent Nos. 1 and 2 have not indulged in the act of breach of award, settlement/agreement and violence or force.

5. The foundational premise of the petitioner that he was entitled to be promoted on the basis of seniority alone is not found to be borne out by the record.

6. In the circumstances, the impugned judgment and order does not warrant any interference in exercise of writ jurisdiction.

7. Hence, the petition stands dismissed.

(N. J. JAMADAR, J.)