



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

WRIT PETITION NO. 1714/2021

Babulal Akaramji Ingle Vs. Shri Shivaji Education Society, Amravati and Anr.

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

Court's or Judge's order

.....
Mr. S.Zia Quazi, Advocate for Petitioner.

Mr. Abhay Sambre, Advocate for Respondent No.1.

CORAM : A.S.CHANDURKAR AND MRS.VRUSHALI V. JOSHI,JJ..

DATED : 13.09.2023

. The challenge raised in the present Writ Petition is to the order dated 07.12.2020 by which the petitioner who was serving as Peon at the respondent No.2 – Institution has been compulsorily retired from service.

2. It is submitted by the learned Counsel for the respondents that a statutory remedy of filing a complaint under Section 28 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 is available to the petitioner for challenging the order dated 07.12.2020 by which the petitioner has been compulsorily retired from service.

3. In the aforesaid facts since a remedy is available to the petitioner and the impugned order has been passed after holding departmental enquiry, the interest of justice would be served by passing the following order :

- i. If within a period of one month from today the petitioner files a complaint under Section 28 of the Act of 1971 for challenging the order dated 07.12.2020, the complaint shall be entertained

on merits without going into the question of delay since the present Writ Petition was filed on 14.01.2021.

- ii. The Labour Court shall consider the complaint on its own merits by following the prescribed procedure.
- iii. All points raised in the Writ Petition as well as in the reply are kept open for being raised before the Labour Court.

4. The Writ Petition is disposed of in the aforesaid terms.

(MRS.VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)