

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

WRIT PETITION NO. 2605 OF 2021

Mohan Dashrath Kalmegh and ors __ Vs. __ Vinod Sudhakar Rao Sagne and ors

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

Court's or Judge's orders

Mr. N.A.Gawande, Advocate for petitioner
Mr. P.R.Agrawal. Advocate for respondent No. 1

CORAM : AVINASH G. GHAROTE, J.
DATE : 15/03/2023

1] Heard Mr. Gawande, learned counsel for the petitioner and Mr. Agrawal, learned counsel for the respondent no.1.

2] The petition questions the order dated 7.10.2020 (pg.38) passed by the learned Labour Court refusing to add the petitioners as respondents to the complaint filed by the respondent No.1 before the learned Labour Court under Section 28 of the MRTU and PULP Act, challenging his termination and so also the judgment in revision dated 7.7.2021 (pg.63) passed by the learned Industrial Court, dismissing the revision.

3] It is contended since the petitioners were duly elected members of the Gram Panchayat and there was an attempt between the respondent no.1 on the one hand and the Sarpanch & Secretary

on the other, to compromise the matter without the consent of the managing committee of the Gram Panchayat, the petitioners on whose complaint the respondent no.1 was removed, were not only proper but necessary parties.

3] I am afraid, I am not able to agree with this contention for two reasons : (1) any compromise between the respondent no.1 on the one hand and the Sarpanch & Secretary of the Gram Panchayat, cannot take place unless there is a resolution passed in the meeting of the Gram Panchayat in that regard, authorizing the Sarpanch or the Secretary to do so, which has not been done, and (2) merely because on the complaint of the petitioners the respondent no.1 was removed, that would not create a relationship of employer and employee between the petitioners and the respondent No.1, so as to permit them to intervene in the complaint filed before the learned Labour Court. I therefore do not see any reason to interfere in the impugned order of the learned Labour Court and the judgment of the Industrial Court. The petition is therefore dismissed. No costs.