



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

WRIT PETITION NO. 3532 OF 2021

(THE MAHARASHTRA EX-SERVICEMEN CORPN. LTD.& ANR..VS.. SHANKAR PYARELAL
MESHARAM)

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

Court's or Judge's orders

Shri D.P.Bhongade, Advocate for Petitioners.
Shri V.R.Borkar, Advocate for Respondent.

CORAM : ANIL S. KILOR, J.
DATED : SEPTEMBER 07, 2023.

1. Heard.
2. The petitioners raised an objection to the tenability of the complaint filed by the respondent on the ground that the said complaint is under Item 3 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (hereinafter referred to as "MRTU & PULP Act"). The said objection was upheld by the Labour Court and reversed by the Industrial Court vide impugned order dated 18/02/2016, which is the subject matter of this writ petition.
3. After going through the prayer clause (C) of the complaint and the letter issued to the respondent dated 29/09/2013, I am of the opinion that the Labour Court is having jurisdiction to entertain the complaint as the matter relates to termination. However, it is the case of

the petitioner that alternate employment has been offered and therefore, in strict sense it is not the termination.

4. The matter is fixed for evidence of the witnesses of the petitioner and therefore, if the petitioner could establish by leading evidence that there is no termination, but the letter dated 25/09/2013 is an offer of another employment, the Labour Court may after recording the evidence decide the issue of jurisdiction.

5. In that view of the matter, I do not find any reason to interfere, at this stage and accordingly, the writ petition is **disposed of** in the above terms. No order as to costs.

JUDGE