

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

WRIT PETITION NO. 1349 OF 2018

Natural Growers Pvt. Ltd. through its Authorized Officer Anil S/o Ravindra Pendse &
Another

..VS..

Sewak S/o. Govinda Raghorte and Another

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

Court's or Judge's orders

Ms. Neha Khune, Advocate h/f Shri R.R. Dawda, Advocate for
petitioners.

CORAM : ANIL S. KILOR, J.

DATED : MARCH 09, 2023.

1. Heard learned counsel for the petitioners.
None for the respondents though served.

2. In this Writ Petition, the Judgment and Order dated 25.09.2017 passed by the Industrial Court, Bhandara in Complaint (ULP) No. 11 of 2014 thereby declaring that the transfer order dated 30.12.2013 as illegal, malafide and accordingly the same came to be quashed and set aside, is under challenged.

3. Only on ground the learned counsel for the petitioner is harping upon are that though in the written statement the petitioner has denied the relationship of the petitioner with the respondent-complainant as employer and employee, the Industrial Court has not referred the matter to the competent authority to decide the same

issue. It is submitted that there was an agreement between the petitioner and Figment Global Solutions Private Limited Company and accordingly, the said Company engaged the respondent-complainant and therefore, there are no relation between the petitioner and respondent-complainant as employer and employee and as such the complaint itself is not maintainable.

4. I have perused the record and the impugned Judgment and order. It is evident that the Court has considered and dealt with the issue whether there is a relation between the petitioner and complainant as employer and employee. The learned Industrial Court has referred to the evidence of the petitioner and documents namely appointment order issued by the petitioner in favour of the respondent-complainant.

5. It is clear that in the cross examination the witness of the petitioner has given number of admissions including issuance of appointment order by the petitioner in favour of the respondent-complainant, not filing of any document showing that the Company namely Figment Global Solutions Private Limited appointed the respondent-complainant and also the admission that the petitioner has not filed any document to show that the respondent-complainant was absorbed by Figment Global Solutions Private Limited Company, after the agreement entered into between the petitioner and the said Company on 26.12.2012.

6. In view of numerous admissions given by the witness of the petitioner in favour of the complainant and considering the appointment letter issued by the petitioner in favour of the respondent-complainant, I do not find any error committed by the learned Industrial Court in holding that there is a relation of employer and employee between the petitioner and the complainant. In these circumstances, the Writ Petition is dismissed. No costs.

JUDGE

Kirtak.