



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

5 WRIT PETITION NO. 8701 OF 2024

**AURANGABAD DISTRICT CO-OPERATIVE MILK
PRODUCERS UNION LTD THROUGH ITS AUTHORIZED
SIGNATORY**

VERSUS

SHRIDHAR VITTHALRAO GANJRE

...

Advocate for the Petitioner : Mr.S.B.Kakde
Advocate for respondent : Mr.S.M.Sonpethkar

...

CORAM : ARUN R. PEDNEKER, J.

DATE : 02.09.2024

P.C. :

1] The learned counsel for the petitioner submits that the respondent – employee is not a workman, as such, invocation of the power under the provisions of the Maharashtra Recognition of Trade Unions & Prevention of Unfair Labour Practices Act, 1971 [for short ‘MRTU & PULP Act’] by the concerned Court is erroneous in law.

2] However, the petitioner has raised the issue that the respondent – employees is not workman first time before this Court. This Court, in exercise of powers under writ jurisdiction would not permit the petitioner to raise such an issue which involves inquiry on facts, before this Court for the first time. The petitioner has not even raised

the said issue before the revisional Court. In view of the same, the present writ petition is dismissed.

3] However, in the fact situation as prayed by the petitioner, the petitioner is granted 6 weeks time to comply the order of the Labour Court.

4] The learned counsel for the respondent submits that the respondent–employee would not press the compliance of the aforesaid order for a period of six weeks.

5] Liberty is granted to the respondent to file Vakalatnama in the registry within one week.

[ARUN R. PEDNEKER]
JUDGE

DDC