



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

WRIT PETITION NO. 5273 OF 2022

M/s. Ruchi Soya Industries Limited, Nagpur
Vs.
Shivshankar s/o Amir Singh and anr.

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

Court's or Judge's Orders.

Mr. R.N. Deshpande, Advocate for petitioner.
Mr. Shivshankar Singh in person present in Court.

CORAM : N.R. BORKAR, J.

DATE : 18.09.2024.

This petition takes exception to the order dated 22.09.2021 passed by the Industrial Court, Nagpur in Revision (ULP) No.33/2020. The operative part of the impugned order reads thus:

- "1. The revision stands allowed.*
- 2. The impugned order dated 11.09.2019 below Exh.C-29 passed by the Fourth Labour Court, Nagpur in Comp. (ULP) No.54/2014 is hereby quashed and set aside.*
- 3. The Comp. (ULP) No.54/2014 is restored back to the file of Fourth Labour Court, Nagpur for further trial.*
- 4. The Learned Labour Court shall frame two preliminary issues first, as suggested in paragraph 47 above of this order, and shall permit either parties to lead oral and documentary evidence towards proof/rebuttal thereof.*

5. The learned labour court shall then decide the further course of trial, as per the outcome of these preliminary issues.

6. Parties to bear their own cost.

7. Original R. & P. along with copy of this order be send to Fourth Labour Court, Nagpur.

Ordered accordingly.”

2. The reason for passing the above order reads thus:

“50. Moreover, the learned labour court entertained this application for dismissal of complaint in the midst of evidence collection process, something which is unknown to the procedural law. The knee-jerk action of labour court, in kicking the complainant out of court by dismissing his case without even affording an opportunity to prove his stand, is certainly prejudicial to his rights as a ‘workman’. The complainant was left helpless, as the labour court, while passing the order of dismissal, did not afford any opportunity to show the pre-existence of employer-employee relationship with the respondent No.1.”

3. The above finding recorded by the Industrial Court is not shown to be incorrect. I am therefore, not inclined to entertain this petition. Hence, the writ petition is dismissed.

4. The civil applications, if any, do not survive and the same stand disposed of.

(N.R. BORKAR, J.)