



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 4882 of 2023

[Petitioner S/o Pandurang Gadikar Vs. Chief Executive Officer, Zilla Parishad, Nagpur 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. S. M. Pande, Advocate for the petitioner
Mr. G. G. Mishra, Advocate for respondent nos. 1 and 2
Mr. S. G. Zinjarde, Advocate for respondent no. 3

CORAM : ANIL L. PANSARE J.

DATED : 18-12-2024

The petitioner – original complainant is aggrieved by order dated 29-3-2023 passed by the Industrial Court, Maharashtra (Nagpur Bench), Nagpur in Misc. Application (ULP) No. 1/2020.

2. Having heard both sides and having gone through the record, it transpires that the petitioner – original complainant had filed application seeking review of the judgment and order dated 16-11-2019 passed by the Industrial Court in Complaint (ULP) No. 31/2014, which was the subject matter of Writ Petition No. 575/2023 filed by the original respondents.

3. It appears that the fact that the order passed by the Industrial Court was challenged before this Court in above writ petition was brought to the notice of the Industrial Court. It was further brought to the notice of Industrial Court that the order passed by the Industrial Court has been stayed by this Court upon depositing the amount of salary payable to the complainant. The Industrial Court, in the light of such status, took a view that review application has become infructuous.

4. Learned counsel for the petitioner is right in contending that merely because this Court granted stay to the impugned judgment, the review application will not become infructuous. According to him, certain additional financial benefits ought to have been granted to the petitioner which were not granted and thus, the review application was filed which has no nexus with relief of payment of salary granted by the Industrial Court.

5. Thus, it appears that by way of application seeking review, the petitioner/complainant intended to put forth additional financial reliefs, which according to him, were payable to him, but not considered by the Industrial Court in its order dated 16-11-2019. This claim cannot be rendered infructuous merely because the judgment under question was stayed. The Industrial Court has thus committed apparent error of law and thus order impugned is unsustainable.

6. The petition is accordingly allowed. Order dated 29-3-2023 passed in Misc. Application (ULP) No. 1/2020 by the Industrial Court, Maharashtra, (Nagpur Bench), Nagpur is quashed and set aside.

7. Misc. Application (ULP) No. 1/2020 is restored on the file of the Industrial Court, Maharashtra, (Nagpur Bench), Nagpur which shall be considered afresh in accordance with law.

8. The parties shall appear before the Industrial Court on 9-1-2025.

9. At this stage, learned counsel for respondent no. 3 submits that he has been unnecessarily joined as

party in the personal capacity when he has no role to play. Respondent no. 3 is now retired on superannuation. He submits that his name should be deleted from the array of respondents in the aforesaid application.

10. This request should be made before the Industrial Court and, if so made, the Industrial Court shall consider the same in the light of pleadings of the parties.

11. Writ petition is disposed of in above terms.

(Anil L. Pansare, J.)

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