



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

Writ Petition (WP) No. 7964 of 2022

Rajya Sarkari Chaturth Shreni Karmachari Madhyavarti Mahasangh,
through its President, Shri Manoj Murlidhar Joshi

Versus

Director, Health Service Department, Mumbai and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.S.Patil, Advocate for the petitioner.

Shri B.M.Lonare, AGP for the respondent nos. 1 to 4.

CORAM : N.R.BORKAR, J.

DATED : 18th OCTOBER, 2024.

This petition takes exception to the 30th
November, 2022 passed by the Industrial Court,
Amravati in Complaint (ULP) No. 3 of 2021.

2. The petitioner – Union herein had filed a
complaint before the learned Industrial Court, Amravati
alleging that respondent No. 4 has indulged in unfair
labour practice under Item 5, 6 and 9 of Schedule IV of
the M.R.T.U and P.U.L.P Act, 1971. The employees for
whom the complaint was filed are working as peon,
attendance etc. with respondent No.4.

3. It was contended by respondent No.4 before the Industrial Court that employees in question are contractual employees. As employer – employee relationship was denied, a preliminary issue to that effect was framed.

4. By the order impugned the learned Industrial Court has answered the said issue in favour of respondent No.4 and dismissed the complaint.

5. I have heard the learned counsel for the petitioner and learned Assistant Government Pleader for the respondent Nos.1 to 4.

6. The learned counsel for the petitioner submits that the learned Industrial Court has ignored the fact that the employees in question are working for more than 15 years. It is submitted that no valid contracts were placed on record to show that for all these years they were hired through contractor. It is submitted that the learned Industrial Court, thus erred in dismissing the complaint.

7. On the other hand the learned Assistant Government Pleader has supported the order impugned.

8. I have perused the order impugned. There is no finding in relation to the contentions raised on behalf of the petitioner. In that view of the matter, the order impugned is set aside and the matter is remanded back to the learned Industrial Court.

9. The learned Industrial Court shall decide the preliminary issue afresh.

10. The interim order dated 13th December, 2022 passed by this Court shall remain in operation till the pendency of the complaint.

11. The writ petition is disposed of in aforesaid terms.

[N.R.BORKAR, J.]