



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

Writ Petition (WP) No. 8458 of 2023

Jagdish Shrikrushna Kirdak

Versus

Vruksha Lagwad Adhikar and another

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

Court's or Judge's Order

Shri M.L.Chouhan, learned counsel for the petitioner.

Shri B.M.Lonare, AGP for the respondent no.1/State.

CORAM : ANIL S. KILOR, J.

DATED : 3rd JANUARY, 2024.

Heard.

2. The judgment and order dated 16th July, 2022 passed by the learned Industrial Court at Akola in Revision (ULP) No. 5 of 2018 rejecting the revision application arising out of the judgment and order dated 5th May, 2017 passed by the learned Labour Court, Akola in complaint (ULP) No. 7 of 2014, is under challenge.

3. It is the case of the petitioner that he was appointed by the respondents as a 'Supervisor' and he was working since 25th April, 2013 and without following due procedure he was terminated on 29th May, 2013.

4. The learned Labour Court rejected the complaint on the ground that the petitioner was

appointed under the Employment Guarantee Scheme and therefore the complaint is not maintainable, in view of the judgment of this Court in a case of Deputy Engineer, Zilla Parishad, Chamorshi, Dist. Gadchiroli and another Vs. Ekanath Vithoba Latare reported in 2009-II-CLR-210.

5. It is further held that because the petitioner was appointed under the above referred scheme, there is no question of following due procedure under Section 25-F of the Industrial Dispute Act as he does not fall under the definition of 'Workman'.

6. The learned Industrial Court has found the above referred observations of the learned Labour Court just and proper and refused to interfere with the judgment and order of the Labour Court.

7. The learned counsel for the petitioner has failed to point out any material contrary to the findings recorded by both the Courts below.

8. In that view of the matter as there is no perversity or illegality committed by both the Courts below, I do not find any merit in the present writ petition.

9. Ms. M.L.Chouhan, appointed learned Advocate be paid the fees as per the rules.

[ANIL S. KILOR, J.]