



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

WRIT PETITION NO. 8348/2019

Maya Sarjerao Ghume and Ors. .Vs. Devidas Domaji Ghume and anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. C. V. Jagdale, Advocate for petitioners.

Mr. D. A. Mohogaonkar, Advocate for respondent No.1.

CORAM : ANIL L. PANSARE, J.

DATE : 13.08.2024

Heard for some time.

2. Counsel for petitioners submits that for some reason, the petitioners did not file written statement before the Labour Court and thus the matter proceeded ex parte against them.

3. Counsel for respondent No.1 submits that certain important documents that would go to the root of the case, inasmuch as one of the documents which indicates that he cannot be removed without prior approval of the respondent No. 2 – Special District Social Welfare Officer, Zilla Parishad, Chandrapur, were not submitted by his counsel at Chandrapur and thus opportunity to put forth his case was, in a way, denied.

4. Thus, both the counsel submit that the parties did not get opportunity to put forth their cases. The question is whether the opportunity should be now granted?

5. There is no gain saying that without filing written statement, the petitioners have been deprived of opportunity to defend the case, maybe that they themselves are to be blamed for not filing written statement in time. So far as respondent

No.1 is concerned, if the documents, which he intends to rely upon, would have bearing on the outcome of the dispute inasmuch as if there is a condition that without approval of respondent No.2, his services cannot be terminated, the document would be significant and require consideration. In other words, request put forth by both the parties would have bearing on outcome of the cases and, therefore, they deserve opportunity in this regard.

6. Accordingly, the writ petition is partly allowed. Judgment and order dated 11.05.2017 passed by Judge, Labour Court, Chandrapur in Complaint (ULP) No.71/2012 and judgment and order dated 03.10.2019 passed by Member, Industrial Court, Chandrapur in Revision ULP No.32/2017 are quashed and set aside.

7. The complaint is remitted back to the Labour Court, Chandrapur to consider it afresh by permitting the petitioners to file the written statement and respondent No.1 to file documents.

8. Parties to appear before Labour Court, Chandrapur on 02.09.2024. The petitioners shall submit the written statement within 15 days from 02.09.2024. The respondent No.1 shall also submit necessary documents within 15 days. The Labour Court shall, thereafter, decide the complaint, as expeditiously as possible.

No order as to costs.

(Anil L. Pansare, J.)