



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**WRIT PETITION NO. 4374 OF 2024
WITH WRIT PETITION NO. 4372 OF 2024**

Yogesh Ashokrao Lahane
VERSUS
L G Balakrishnan And Bros Ltd

Mr. A. S. Kulkarni, Advocate for Petitioner
Ms. A. K. Shinde h/f Mr. S. V. Dankh, Advocate for Respondent

CORAM : R. M. JOSHI, J.
DATE : 13th March, 2025

PER COURT :-

1. These petitions takes exception to the order dated 26.06.2023 passed in Reference IDA Nos. 8/2020 and 9/2020. As these references were dismissed for non appearance of the petitioner/workman before the Labour Court, Jalna.

2. Learned counsel for the Petitioner submits that the right of the workman is required to be determined by the Competent Court and dismissal of the reference is not in the interest of the parties. On instructions, he makes statement that if the reference is restored back to the file of the Labour Court, petitioner shall not claim any monetary benefit from the date of dismissal till the date of restoration.

3. Learned counsel for the Respondent vehemently opposed the

petition. Firstly, on the ground that the petitioner has alternate remedy of arguing an application before the same Court for restoration of the reference. Secondly, it is submitted that the petitioner failed to make out reasonable ground for restoration of the reference.

4. In the dispute raised by the workman under the provisions of the Industrial Disputes Act, technicalities of the Evidence Act or other procedural law would not apply. Suffice it to say that rights of the workman are required to be determined by the Reference Court on merit rather than its dismissal for absence. Since the petitioner has made statement about not claiming any monetary benefit during the period of dismissal and restoration of the reference, no prejudice will cause to the respondent if the references are restored.

5. In view of the above, petition stands allowed. Reference IDA Nos. 8/2020 and 9/2020, impugned orders are set aside and stands restored to the file of Labour Court, Jalna. Parties are directed to appear before the Labour Court on 01.04.2025. The petitioners shall not be entitled for monetary benefits, if succeed in the reference.

(R. M. JOSHI, J.)

bsj