



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 864 OF 2022

The Grampanchayat Through
Its Gramsevak Sanjay Rajendra Ghodke
VERSUS
Laxmibai Manohar Chaudhari

- Mr. S. S. Shinde, Advocate for the Petitioner
- Mr. R. D. Biradar, Advocate for the Respondent (VC)

CORAM : R. M. JOSHI, J
DATE : SEPTEMBER 15, 2025

PER COURT :

1. By consent of both sides, heard finally at the stage of admission.

2. This Petition takes exception to the order 03.04.2018 passed by the Labour Court, Latur in Application (IDA) No. 05/2016 under Section 33(C)2 of the Industrial Disputes Act, 1947 (for short '**the Act**').

3. The facts as they appear from the record indicate that husband of the Respondent superannuated from the service of the Petitioner/Grampanchayat with effect from 15.06.2010. Accordingly, he got superannuated, however, it is further case of the

Respondent that her husband was re-employed and work was extracted from him without payment of salary. In view of this, Application came to be filed under Section 33(C)2 of the Act seeking direction to the Grampanchayat to pay said amount.

4. Admittedly, notice was issued by the Labour Court, however, the proceeding was not contested by Grampanchayat and hence, decided *ex parte*.

5. Learned Counsel for the Petitioner submits that the Respondent has no case on merit and since the public money is involved herein, it is a fit case for setting aside the impugned order and granting an opportunity to the Grampanchayat to defend the said application.

6. Learned Counsel for the Respondent supported the impugned order. It is his contention that once the Grampanchayat fails to oppose the Application, now it does not lie in the mouth of the Petitioner that an opportunity of hearing is required to be given.

7. Perusal of the impugned order indicates that Petitioner/Grmapanchayat caused appearance before the

learned Labour Court through Advocate on 29.06.2016 but thereafter the Application was not opposed on merit. No written statement also was filed on record. This Court finds substance in the contention of the learned Counsel for the petitioner that this is not a case wherein undeniably any amount is due to the Respondent. Moreover, he has a substance to make submissions that as public money is involved, it is a fit case to grant an opportunity to the Grampanchayat to defend the said application.

8. Having regard to the peculiar facts of the case and in the interest of justice, Petition stands allowed in terms of prayer clause 'B' subject to payment of cost of Rs. 7,500/- (Rupees Seven thousand five hundred) by the Petitioner to Respondent. Furthermore, since the Application is of year 2016, learned Labour Court is directed to decide the same within a period of six months from today.

9. Parties are directed to cause appearance before Labour Court on 01.10.2025. Written statement, if any, be filed within four weeks of appearance of parties before Labour Court. Labour Court to ensure

that the amount of cost is paid by Petitioner to Respondent before taking up the proceeding for hearing. If cost is not paid, this order stands vacated automatically.

10. Petition stands disposed of in above terms.

(R. M. JOSHI, J.)