



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11819 OF 2024

President Seva Shikshan Prasarak Mandal And Another
VERSUS
Bapu Gangadhar Kamble And Another

Mr. V. N. Upadhye, Advocate for Petitioners
Mr. P. V. Barde, Advocate for Respondent No. 1

CORAM : R. M. JOSHI, J
DATE : MARCH 17, 2025

PER COURT :

1. After hearing learned Counsels for both sides for some time, it is found that though specific plea was raised in the written statement by the Petitioners before the Industrial Court in Complaint ULP No. 24/2016 raising objection with regard to the jurisdiction of the Industrial Court to entertain the complaint, no issue to that effect is framed. Learned Counsel for Petitioners, therefore, seeks the relegation of the complaint to the Industrial Court for decision on the said issue.

2. Learned Counsel for contesting Respondent records no objection for the same, however, contends that the interim relief granted by the Industrial Court

by order dated 27.07.2017 to continue till decision of the complaint.

3. Perusal of the record indicates that in the written statement in paragraph 4 specific plea was raised with regard to the jurisdiction of the Industrial Court to entertain the complaint. In such circumstances, it was obligatory on the part of the Industrial Court to frame the issue of jurisdiction and to answer the same. Since this has not been done, the Complaint ULP No. 24/2016 is relegated back to the Industrial Court only for deciding the issue of maintainability of the complaint.

4. It is clarified that the judgment and order passed by the Industrial Court has not been set aside on merit. Depending upon the outcome issue of jurisdiction, it is open for the parties to challenge the said order so also the judgment impugned herein.

5. In view of above, Complaint ULP No. 24/2016 is relegated back to the Industrial Court for decision on

the issue of maintainability of the complaint and jurisdiction of the Court. Since the complaint is of year 2016, the said issue be decided within a period of 3 months from today. Till disposal of the complaint, the interim relief granted by the Industrial Court on 27.07.2017 to continue.

6. Petition stands disposed of in above terms.

(R. M. JOSHI, J.)