



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

WRIT PETITION NO. 12057 OF 2024

1. People's Education Society, Mumbai
Through its Chairman,
Anandraj Yashwantrao Ambedkar,
Age: 61 years, Occu. Social Work,
Office at 348, Anand Bhavan,
Dr. Dadabhai Naoroji Road, Fort, Mumbai.
2. The Principal,
Dr. Ambedkar College of Law,
Nagsenvana, Chhatrapati Sambhajinagar.

.....PETITIONERS
(Ori. Respondents)

VERSUS

Jagdev Kundlik Jamdhade,
Age: 56 years, Occu. Service,
R/o. Nisarga Colony, Bhavsingpura,
Next to the Pethe nagar, Chhatrapati
Sambhajinagar.

.....RESPONDENT
(Ori. Complainant)

Mr. S. V. Dixit, Advocate for the Petitioners
Mr. B. R. Kawre, Advocate for Respondents

CORAM : ROHIT W. JOSHI, J.

DATED : 31ST JULY, 2025

ORAL JUDGMENT :-

. The respondent had filed a complaint bearing ULP
No.27 of 2015, which was allowed by the learned Industrial

Court vide judgment and order dated 17.07.2023. The operative order of the judgment dated 17.07.2023, reads as under:

[1] Complaint is partly allowed.

[2] It is hereby declared that the respondents have engaged in unfair labour practices under Item Nos.5, 6 and 9 of Schedule IV of the M.R.T.U. & P.U.L.P. Act, 1971.

[3] The respondents are hereby directed to cease and desist from commission of such unfair labour practices.

[4] The respondents are directed to extend the benefits of permanency alongwith the pay-scale and consequential monetary benefits to the complainant from April-1990 onwards within six months from the date of order.

[5] The respondents are further directed to pay to the complainant amount of Rs.10,000/- towards costs.

2. The petitioners claim that the said judgment and order dated 17.07.2023, was passed *exparte* and they have moved an application for setting aside *exparte* order alongwith an application for condonation of delay. It is informed that the application for condonation of delay is allowed and the

application for setting aside *exparte* order is pending adjudication before the learned Industrial Court.

3. It is informed by both the learned Advocates that the impugned judgment and order dated 17.07.2023 is operating and there is no stay granted to the same by any Court. In this backdrop, the respondent filed another complaint being ULP No.21 of 2024, seeking the following reliefs:

- (a) Declare that the respondents are engaged and are engaging in unfair Labour practices as complained of:*
- (b) Direct the respondents to cease and desist from such unfair labour practices as complained of:*
- (c) Direct the respondents not to discharge or relieve the complainant from employment under the pretext that he is requesting for the benefits of pay scale, continuity as directed by the Hon'ble Industrial Court vide its judgment passed in complaint ULP 27/2025 dated 17-07-2023.*
- (d) Direct the respondents to allow the complainant to resume his normal duty, allow to sign muster roll and pay regular monthly wages.*
- (e) The direction to release his unpaid wages from January 2024 onwards with consequential benefits of employment may be awarded along with 10-time penalty.*
- (f) The compensatory cost of Rs.10 lakhs may be awarded.*

(g) Allow the complaint with appropriate directions in favour of the Complainant.

In this complaint, an application under Section 30(2) came to be filed vide Exhibit 2, praying for the following reliefs:

(a) Pending hearing and final disposal of the complaint, the respondents may be directed to allow the applicant to resume duty, allow to sign muster, pay unpaid wages from January 2024 onwards and continue to pay wages as per scale applicable to class IV employees.

4. The said application is allowed by the learned Industrial Court vide order dated 19.09.2024, which is impugned in the present petition. The learned Industrial Court has directed the present petitioners to allow the respondent to resume duties and also to permit him to sign muster. This order dated 19.09.2024 is challenged in the present petition.

5. Learned Advocate for the petitioners contends that since, the respondent claims to be an employee of college affiliated with Dr. Babasaheb Ambedkar Marathwada University, the industrial Court does not have jurisdiction to entertain the complaint and the appropriate remedy for the respondent was to file an appeal before the learned University

and College Tribunal under the provisions of the Maharashtra Public Universities Act, 2016. Alternatively, he contends that perusal of the complaint will indicate that according to the respondent, his services have been terminated and therefore he should have approached the learned Labour Court rather than filing complaint before the learned Industrial Court. He assails this order also on the ground that the learned Industrial Court has virtually allowed the complaint finally while passing an interim order.

6. The learned Advocate has placed reliance on judgment in the matter of ***Registrar, University of Mumbai Vs. Lata Bhor and Another***, reported in ***(2005) 1 Mh.L.J 700*** in support of the contention that only remedy for the petitioner was to file appeal before the learned University and College Tribunal. He then places reliance on judgment in the matter of ***Rashtrasant Tukdoji maharaj Nagpur University and another Vs. Hon'ble Member Industrial Court Maharashtra, Nagpur Bench and others*** reported in ***(2016) 2 Mh.L.J 454*** to contend that a person, who is appointed in an educational institution without following the due process of law is not entitled to relief of regularization in service. Lastly, reliance is placed on

judgment of this Court in the matter of *Zilla Parishad, Jalgaon Vs. Maya Tukaram Sonawane*, reported in *(2016) 2 Mh.L.J 66* in support of contention that final relief should not be granted at the interim stage.

7. Per contra, the learned Advocate for the respondent places reliance on judgment of this Court in the matter of *Navy Children School Secondary through The Director Navy Children School Vs. State of Maharashtra and Another*, reported in *2023 SCC OnLine Bombay 2803*, judgment of the Hon'ble Supreme Court in the matter of *Maharashtra State Road Transport Corporation and Ors. vs. Casteribe Rajya P. Karmchari Sanghatana*, reported in *2009 8 SCC 556* and judgment in *National Textile Corporation (Maharashtra Noth) Ltd. And Anr Vs. T. M. Mantri and Anr*, reported in *2004 Vol. 5 BCR 381*.

8. This Court in the matter of *National Textile Corporation (Maharashtra Noth) Ltd (supra)* has observed as under:

7. As regards the third ground of challenge, the Item 9 of the Schedule IV of the said Act clearly enumerates the failure to implement award, settlement or agreement to be one of the unfair labour practices on the part of the employers. Non-implementation of the terms of employment

and/or violation of the terms of contract of employment would certainly be covered by the said Item No.9 in the Schedule IV of the said Act. The grievance of the respondent No.2 related to denial of work in contravention of the terms of their employment, and therefore their case was apparently covered by the said Item.

9. At the outset, it must be mentioned that there is a judgment, which is operating against the petitioner/society directing the petitioner to extend benefit of permanency to the respondent with all consequential monetary benefits. The said order as stated above is still holding the field. The application for setting aside this order on the ground that the same is passed *exparte* is pending before the learned Industrial Court. In these circumstances the petitioners have not allowed the respondent/employee to resume duties. The conduct of the petitioners in disregarding a binding judgment disentitles the petitioners from invoking writ jurisdiction of this Court, which is not a matter of right but a matter of discretion.

10. Having regard to the conduct of the petitioners, this Court is not inclined to exercise jurisdiction in favour of the petitioners. Without making any comment on merits of the maintainability of the complaint, since, the impugned order is

only an interim order and not final order passed in the complaint, it needs to be stated that, *prima facie*, the case of the petitioners appears to be covered by judgment of this Court in the matter of ***National Textile Corporation (Maharashtra Noth) Ltd. And Anr (supra)***, wherein refusal to allow the employees to resume duties and to pay wages is considered to be an unfair labour practice under Item 9 in Schedule IV appended to the M.R.T.U. and P.U.L.P. Act, 1971 and it is held that learned Industrial Court will have jurisdiction to entertain complaint.

11. For the reasons mentioned above, Writ Petition does not merit consideration and is dismissed with no orders as to cost.

12. Learned Industrial Court is directed to decide the proceedings before 31.12.2025.

13. At this stage, Mr. Dixit, learned Advocate for the petitioners prays to grant stay to the effect and operation of the order for a period of six weeks so as to enable the petitioners to approach the Hon'ble Apex Court.

14. Learned Counsel for the respondent strongly opposes the request.

15. The petition is not entertained since the petitioners have

not complied with an order which was passed by the Industrial Court, which is operating for a period of around two years. However, having regard to the fact that respondent is still not in service, status quo as on today is directed to be maintained for a period of four weeks from today, on condition that the petitioners shall deposit amount of arrears of salary of the respondent from 17.07.2023, i.e. the date on which judgment in complaint ULP No.27/2015 came to be passed till the month of August 2025 within a period of one week from today. Arrears of salary shall be computed on the basis of last pay actually drawn by the respondent.

16. In the event, the amount is not so deposited, the present order shall vacate without reference to this Court.

(ROHIT W. JOSHI, J.)