



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
WRIT PETITION NO. 1145 OF 2023**

ASHOK DAMODAR PARDESHI  
*VERSUS*  
CHAIRMAN JAWAHAR SHETKARI SAHKARI SOOT GIRNI  
LIMITED AND OTHERS

...  
Mr. Sandesh R. Patil, Advocate for the Petitioner.  
Mr. Shrikant S. Patil, Advocate for Respondent Nos.1 to 3.

...  
**CORAM : S. G. CHAPALGAONKAR, J.**  
**DATED : 11<sup>th</sup> JULY, 2025.**

**P.C.:-**

1. The present Writ Petition takes exception to order dated 27.05.2021 passed in Complaint ULP No.30/2018 by Labour Court, Dhule, thereby recording finding on preliminary issue that departmental enquiry initiated against petitioner is legal, proper and conducted as per principles of natural justice. The aforesaid order of Labour Court was assailed in Revision before Industrial Court vide Revision Application ULP No.31/2022, but same has been confirmed.

2. Mr. Shrikant S. Patil, learned Advocate appearing for respondents relying upon judgment of Supreme Court of India in case of *The Cooper Engineering Ltd Vs. P. P. Mundhe*<sup>1</sup> submits that in case dispute as to dismissal or discharge of employee is referred for industrial adjudication to Labour Court and preliminary issue as to validity of domestic enquiry is framed and decided by Labour Court, there is no justification for any party to

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<sup>1</sup> AIR 1975 SC 1900.

stall final adjudication of dispute by Labour Court by questioning its decision with regard to preliminary issue when matter, if worthy, can be agitated even after final award. Mr. Patil would, therefore, submit that present Writ Petition need not be entertained, since petitioner can assail findings on preliminary issue after final decision of Labour Court.

3. Mr. Sandesh R. Patil, learned Advocate appearing for petitioner fairly concedes to the legal position, particularly, as laid down in paragraph no.22 of the judgment in case of ***The Cooper Engineering Ltd*** (supra) and submits that liberty may be granted in favour of the petitioner to challenge the finding on the preliminary issue, in case an adverse award is passed against him by the Labour Court.

4. In light of submissions and particularly, observations of Supreme Court of India in paragraph no.22 of judgment in case of ***The Cooper Engineering Ltd*** (supra), Writ Petition stands partly allowed by setting aside order of learned Industrial Court in Revision Application ULP No.31/2022 with liberty in favour of petitioner to challenge findings on preliminary issue, in case adverse final award is passed by Labour Court.

(S. G. CHAPALGAONKAR)  
JUDGE