



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8597 OF 2024

The Chairman
Krushi Utpanna Bazar Samiti, Rahuri
Tal.: Rahuri, Dist.: Ahmednagar
Through, Acting Secretary & Authorized Representative,
Shri. Bhikadas S/o. Asaram Jare
Age: 57 years, Occupation: Service,
Address: Krushi Utpna Bazar Samiti, Rahuri,
Tal.: Rahuri, Dist.: Ahmednagar
Pin Code: 413 705 (Maharashtra)
Aadhaar No.: 3972 5594 5017

...PETITIONER

...VERSUS...

1. Shaikh Mohammed Iqbal Nisar Shaikh
Age: 56 years, Occupation: Service,
Resident of, Near Kranti Spares, Balaji Road, Rahuri,
Tal.: Rahuri, Dist.: Ahmednagar
Pin Code: 413 705 (Maharashtra)
2. The Panan Sanchalak,
Panan Sachanalay,
Third Floor, New Administration
Building, Pune - 411 001
3. The Zilla Up-Nibhandak
Sahakari Sanstha, Ahmednagar,
Sahakari Bank Building,
Station Road, Ahmednagar

...RESPONDENTS

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- Mr. A. D. Ostwal, Advocate for the Petitioner
 - Mr. V. S. Badakh, AGP for Respondent No. 3
 - Mr. P. R. Nangare, Advocate for Respondent No. 1

CORAM : ROHIT W. JOSHI, J.
DATE : JULY 24, 2025

ORAL JUDGMENT:

1. The petitioner Agricultural Produce Market Committee,
(*Krushi Utpanna Bazar Samiti*) (hereinafter referred to as “A.P.M.C.”)

takes exception to judgment and order dated 11.07.2023 passed by the learned Industrial Court, Ahmednagar in complaint (U.L.P.) No. 100/2015, thereby declaring that the petitioner has committed unfair labour practice under Item of Schedule – IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 by imposing punishment of stoppage of increments against respondent no. 1/original complainant and further declaring that the orders dated 04.10.2015 and 20.10.2015 are illegal and accordingly setting aside the same. The learned counsel for the petitioner draws attention to the impugned judgment to contend that all other reliefs sought by the complainant were rejected by the learned Industrial Court, and only relief granted was to quash and set aside the orders dated 04.10.2015 and 20.10.2015 imposing punishment of withholding increments. He draws attention to Paragraph 16 of the judgment to contend that the Industrial Court has in fact recorded finding that the petitioner had established that working of the complainant was not up to the mark and he used to remain absent without prior sanction of leave. The learned counsel then submits that having recorded a positive finding in favour of the petitioner, the orders could not be set aside only on the ground that opportunity of hearing was not granted inasmuch as the allegations have been proved by leading evidence before the Industrial Court.

2. Per contra, Mr. Ansari, the learned advocate for respondent no. 1/employee submits that withholding of increments is an adverse order, which make the employee suffer adverse civil consequences and therefore, the action ought to have been taken by following principles of natural justice. He contends that the findings in Paragraph 16, even if taken on their face value, are not sufficient to sustain the punishment imposed and therefore, if the petition is allowed then, the matter should be remitted with a direction to the learned Court to decide the matter and merits afresh by recording proper findings with respect to the allegations against the respondent no. 1/employee. Rule 103 of the A.P.M.C. Rules 1967 provides that services of an employee of Market Committee cannot be terminated by way of dismissal or removal and that an employee cannot be reduced in rank except holding enquiry against him by following procedure prescribed under Rule 103. The penal actions that the A.P.M.C. may take against its employees are prescribed under Rule 102. Although, A.P.M.C. Rules do not contain any express provision for holding disciplinary enquiry for imposition of punishment of withholding increments, there is no reason to hold that punitive action can be taken without following natural justice. It needs to be borne in mind that since order withholding increments is adverse order, action should not be taken without following principles of natural justice, although the statute is silent on this aspect. Nonetheless in the

present case, both parties have led evidence in support of their respective cases. In that view of the matter, only because the order is passed without holding any departmental enquiry, that by itself cannot be a ground for setting aside the order. Learned Industrial Court should have appreciated evidence on record to consider as to whether, the evidence is sufficient to sustain the punishment imposed. The learned Industrial Court has not elaborately dealt with evidence and had made passing observations with respect to evidence, because the order is set aside on the ground of failure to complete with principles of natural justice.

3. In that view of the matter, it will be expedient in the interest of justice that the matter is remanded back to the Industrial Court to appreciate the evidence and other material on record to arrive at a fresh decision, as regards the correctness or otherwise of the action taken by the petitioner/A.P.M.C. against the respondent no. 1/employee. Petition is accordingly **partly allowed**. Order dated 11.07.2023 passed by learned Member, Industrial Court, Aurangabad in Complaint (U.L.P) No. 100/2025 is quashed and set aside. Parties are directed to appear before the Industrial Court on **18.08.2025**. Parties to note that separate notice will not be issued for appearance. The learned Industrial Court is directed to decide the complaint as expeditiously as possible and then any case before 31.03.2026. The amount deposited by the petitioner A.P.M.C. with this Court along with accrued interest, if any, be

transferred to the learned Industrial Court. The amount shall be disbursed by the learned Industrial Court, subject to decision of the complaint.

4. The writ petitions is disposed of.
5. Pending civil applications, if any, stand disposed of.

[ROHIT W. JOSHI, J.]