



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

**913 WRIT PETITION NO. 5405 OF 2016**

Namdeo Rajaram Shinde

....Petitioner

**VERSUS**

Kukadi Sahakari Sakhar Karkhana Ltd

.....Respondent

.....

Mr. Parag Barde, Advocate for petitioner

Mr. V.P. Golewar h/f. Mr. A.V. patil, Advocate for the respondent

.....

**CORAM : MANJUSHA DESHPANDE, J.**

**DATE : 28<sup>th</sup> FEBRUARY, 2025**

**ORDER :**

1. Petitioner is challenging the legality, validity and correctness of judgment and order dated 26.08.2015 passed by learned Member, Industrial Court, Ahmednagar in Revision [IC] No. 01/2014 thereby confirming the judgment and order dated 13.01.2014 passed by learned 2<sup>nd</sup> Labour Court, Ahmednagar in Application [BIR] No. 4/2008.

2. It is the contention of the petitioner that petitioner had joined services of respondent on 01.02.2002 on the post of 'Khalasi' in Engineering Department. Thereafter, petitioner has worked continuously for 240 days in a season as well as in off season. As per the wage agreement applicable in State of Maharashtra all unskilled workers working with Sugar factory are

entitled for remuneration of Rs. 6543/- per month with effect from 01.01.2008, but respondent-factory used to pay wages in between Rs. 2100/- to Rs. 3000/-. For legitimate demands, petitioner joined the Union that was active with the respondent. Union filed complaint [ULP] No. 82/2007 praying for relief of permanency and arrears of wages. By an interim order, Labour Court protected services of employees, thereby directing not to terminate services of employee without following the procedure in law. Since the petitioner is a active member of the Union, by adopting vindictive approach respondent stopped providing work to the petitioner w.e.f. 20.03.2008. The petitioner was not keeping well and could not attend duties from 02.03.2008. Therefore, he had submitted leave application by registered post on 05.03.2008. On getting fit, he approached the respondent on 19.03.2008, requesting to allow him to resume the duties, his request was flatly refused by respondent. Therefore, petitioner issued notice on 11.06.2008, however, respondent has not responded to it. As a result, the petitioner was constrained to approach Labour Court by filing application [BIR] No. 4/2008 against his oral and otherwise termination. In the proceedings before Labour Court after filing of written statement and adducing evidence, by judgment and order dated 13.01.2014,

Labour Court was pleased to dismiss the application. Being aggrieved by judgment of Labour Court petitioner approached the Industrial Court by filing Revision [IC] No. 01/2014. Industrial Court has verbatim copied the facts as well as reasoning recorded by Labour Court, and has been pleased to reject the revision vide judgment and order dated 26.08.2015.

3. It is the contention of the petitioner that he is confining his prayers in the present writ petition only to the extent of seeking remand of the matter to the Industrial Court. It is his contention that Labour Court has rejected his application against which the revision was filed by the petitioner. In his revision application particular grounds were raised by the petitioner. From the memo of application, learned advocate for the petitioner points out that he had particularly raised ground that considering the allegation of absentism it was necessary to issue show cause notice as well as frame charges against him followed by departmental enquiry as provided under Section 3(13) of Maharashtra Industrial Relations Act. He has also raised a ground in order to prove allegation of absentism against petitioner it was necessary to bring muster before Labour Court. When he has raised specific grounds before the Industrial Court as has been pointed out by learned advocate for the petitioner,

the Industrial Court has passed order without recording any finding on the grounds raised by him, copying the facts as well as reasoning from the judgment of Labour Court. Learned advocate for the petitioner submits that right from the facts which are recorded by the Labour Court, word to word findings are recorded by Industrial Court by copying the same from the judgment of Labour Court.

4. Learned advocate for the petitioner has drawn my attention to the page numbers and paragraphs which have been copied by Industrial Court from the Judgment of Labour Court, which can be recorded in tabular form as under:

| Page No. & Para No. of Labour Court | Corresponding Page No. and Para No. of Industrial Court |
|-------------------------------------|---------------------------------------------------------|
| Page No. 21, Para No. 3             | Page 61, Para No. 8                                     |
| Page No. 23, Para No. 6             | Page 63, Para No. 8                                     |
| Page No. 24 Para No. 7              | Page No. 64, Para No. 9                                 |
| Page No. 30, Para No. 17            | Page No. 71, Para No. 13                                |
| Page No. 32, Para No. 19            | Page No. 71, Para No. 14                                |
| Page No. 35, Para No. 25            | Page No. 72, Para No. 15                                |
| Page No. 44, Para No. 47            | Page No. 73, Para No. 16                                |

5. Learned advocate for the respondent has opposed the grounds raised by petitioner. According to him, order passed by Labour Court is passed after taking into consideration the evidence produced by the parties. Therefore, the Industrial Court

has not committed any error in concurring with the views and reasoning given by Labour Court. According to him, order passed by Industrial Court does not deserve any interference.

6. After hearing the respective parties and going through record, it is evident from the perusal of order passed by Industrial Court that, Industrial Court has adopted cut, copy paste method while passing the judgment in revision. The Member, Industrial Court has verbatim copied the reasoning given by Labour Court as it is. It can be discerned from the above that Industrial Court has not applied its mind to the grounds raised by the petitioner and without application of mind merely copied the judgment of Labour Court. Though, petitioner has raised specific grounds, however, those are not adverted to while passing the impugned order. The cut, copy, paste method adopted by the Industrial Court clearly reflects casual approach, non application of mind on the part of Industrial Court. The order, therefore, suffers from perversity and non application of mind, which is clear from the observations which are made by Industrial Court as well from the comparison which is given in the tabular form herein above.

7. While exercising revisional jurisdiction, the Member

of the Industrial Court is supposed to apply mind and thereafter record findings about correctness and validity of the order passed by Labour Court. It is apparent from the order that Industrial Court has failed to exercise jurisdiction conferred on it. Hence, on this ground alone, the order passed by Industrial Court deserves to be quashed and set aside.

8. In the result, I proceed to pass following order:

**ORDER**

- (i) Writ petition is allowed.
- (ii) Judgment and order dated 26.08.2015 passed by learned Member, Industrial Court, Ahmednagar in Revision [IC] No. 01/2014 is hereby quashed and set aside by remanding the matter back to the Industrial Court, Ahmednagar for hearing it afresh and to be decided by passing reasoned order on its own merits.
- (iii) Parties are directed to appear before Industrial Court on 24.03.2025 and Industrial Court shall make endeavor to decide the revision preferably within a period of six months thereafter.
- (iv) With the above directions, writ petition is disposed of.

**(MANJUSHA DESHPANDE, J.)**