

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6180 OF 2025

Maharashtra State Co-operative Marketing
Federation Ltd .. Petitioner

Versus

Ramesh Tukaram Pote & Anr. .. Respondents

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- Mr. Amit G. Dubey i/by Mr. Jitendra R. Gautam, Advocates for Petitioner
- Ms. P.J. Gavhane, AGP for Respondent No. 2 - State

.....

CORAM : MILIND N. JADHAV, J.

DATE : JUNE 11, 2025

P. C.:

1. Heard Mr. Dubey, learned Advocate for Petitioner and Ms. Gavhane, learned AGP for Respondent No. 2 - State.

2. Present Writ Petition impugns the judgment & order dated 25.11.2024 passed by the Industrial Court, Thane (appended at page Nos. 26-35, Exh. "B" of Petition) in Revision Application (ULP) No. 28/2023.

3. Being aggrieved with the judgment & order dated 21.03.2023 passed by Labour Court, Mahad in Complaint (ULP) No. 4/2012, Petitioner filed Revision Application under Section 44 of the Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act, 1971 (for short, "**MRTU & PULP Act**") on the

ground that when the Complaint was decided by the Labour Court, Petitioner was not heard and it was decided exparte.

4. On perusal of the judgment & order passed by Labour Court, Mahad, it is *prima facie* seen that Petitioner being Respondent therein did not appear before the Labour Court. What has been stated in the said judgment & order is that Respondent had earlier appeared in the proceedings and raised objection about maintainability of Complaint on the ground that private Respondent was not a workman which was decided in Revision in favour of the private Respondent. However thereafter when the Complaint was heard by the Labour Court, it is stated that Petitioner did not appear.

5. Mr. Dube would submit that the judgment & order passed by Labour Court has been decided exparte only after considering the evidence of private Respondent. He would draw my attention to the impugned order passed in Revision which in paragraph No.4 while narrating the facts categorically records that matter was proceeded without presence of Petitioner by the Labour Court. He would submit that they did not have any notice of hearing of the said proceedings. He would submit that Petitioner being an arm of the State Government would not refrain from attending the proceedings if it had knowledge about the same. He would point out to the fact that in both the twin orders under challenge in the present Petition, insofar as effecting

service on Petitioner for hearing of the original Complaint is concerned both the orders are silent. He would submit that the judgment & order of the Labour Court primarily proceeds on the basis that Petitioner had appeared in the proceedings in the first instance when maintainability of the proceedings was determined. In that view of the matter, I am inclined to accept the submissions made by Mr. Dubey that for hearing of Complaint No. 4/2012 subsequent to the decision in the Revision proceedings pertaining to maintainability of the proceedings, Petitioner ought to have been put to notice. That apart on merits of the matter, Mr. Dubey has drawn my attention to the fact that written statement was filed by Petitioner before the Labour Court in the Complaint which has been completely disregarded while determining the original Complaint.

6. Arguable case is made out by Mr. Dubey for issuance of notice to private Respondent and immediate determination of the present Writ Petition considering the above timeline in the present case. Hence, issue notice to Respondent No. 1 returnable on 25.06.2025. Humdast permitted.

7. Copy of the Petition and this order is directed to be served on Respondent No. 1 by learned Advocate for Petitioner through any private permissible mode of service and appropriate affidavit of service is directed to be filed showing tangible proof of Respondent No. 1

having received the same. If the Respondent No. 1 is served and does not appear on the next adjourned date, this Court shall proceed with determining the Petition on merits in accordance with law.

8. Learned AGP waives service on behalf of State.

9. List the matter on the **Supplementary Board** on **25th June, 2025**. In the meanwhile, there shall be ad-interim relief in terms of prayer clause (c).

[MILIND N. JADHAV, J.]

Amberkar

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by RAVINDRA
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AMBERKAR
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