



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1056 OF 2024

Ramesh Devram Makade and others

.Vs.

Executive Engineer, Lift Irrigation Deptt. Bhandara

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr. R.S. Bhure, Advocate for the petitioners.

Mr. B.M. Lonare, AGP for respondent/State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 06/08/2025

Heard.

2. Aggrieved by an order of dismissal of complaint, on the ground of absence of employer-employee relationship. The present petition is presented. It was held that the complainants viz. Petitioners herein are not workman under Section 2(s) and respondent is not an industry under Section 2(j) of the Industrial Disputes Act, 1947. Learned counsel for the petitioners is justified in submitting that the issue was framed in relation to Employer-Employee relationship after the conclusion of the stage of evidence by the Industrial Court. Therefore it has impact of depriving the petitioners from adducing necessary evidence in that regard.

3. Learned AGP fairly concedes the aforesaid aspect.

4. On this solitary ground the order under challenged is unsustainable. It has eventually deprived the

petitioners herein to make out their case about the existence of Employer-Employee relationship. Resultantly, the writ petition is allowed.

5. The order dated 14.12.2023 in complaint No. (ULP)7/2020 passed by Member, Industrial Court, Bhandara is set aside. The matter is remitted back to the Industrial Court to decide the compliant a fresh.

6. The Industrial Court, Bhandara is directed to decide the compliant within a period of six months from the date of receipt of this order. Needless to state that by following due procedure in that regard.

7. Parties shall appear before the Industrial Court on 20.08.2025.

8. In view of the aforesaid, writ petition stands disposed of. No costs.

(SACHIN S. DESHMUKH, J.)