

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

WRIT PETITION NO. 1332 OF 2024

Manorama w/o Shankar Raut

.Vs.

State of Maharashtra, Ministry of Revenue and Forests Mantralay and ors.

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

Ms Radhika M. Khanke, Advocate h/f Mr F.I. Khan, Advocate for the petitioner.
Mr A.A. Madiwale, AGP for the respondent Nos.1 to 4/State.

CORAM : SIDDHESHWAR .S. THOMBRE, J.

DATE : 14.10.2025

Heard learned counsel for the petitioner and
learned AGP for State.

2. Present petition is directed against the order dated 07.08.2023 passed by learned Member, Industrial Court whereby complaint (ULP) No.119/2021 filed by the petitioner came to be dismissed.

3. The petitioner herein filed a complaint under Section 28 read with Items 5, 6 and 9 of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short, "M.R.T.U. and P.U.L.P. Act") seeking permanency on the ground that she has completed 240 days of continuous service from the date of her appointment and she sought directions to consider her case of regularization.

4. Before the Industrial Court, she filed documents on record which clearly show details whereby specifying

that those workers who completed 240 days of continuous service from the period 01.11.1994 to 30.06.2004 should be considered for regularization and therefore, as per her contention, her case ought to have been considered for regularization. Learned counsel for the petitioner further submitted that the learned Industrial Court had failed to consider the fact that the petitioner was initially terminated from the service, against which she filed a ULP before the learned Labour Court. The same was allowed and that matter went up to High Court for continuation of service. The petitioner has thus completed continuous service.

5. Per contra, learned AGP for the State submits that the Government Resolution dated 16.10.2012 needs to be taken into consideration. The petitioner is not entitled to regularization as she has not complied with the conditions enumerated in Government Resolution dated 16.10.2012.

6. I have gone through the submissions made by learned counsel for the parties and pursued the order passed by Industrial Court, I find that the learned Industrial Court has not recorded any findings on the applicability of the Industrial Employment (Standing Orders) Act as well as the question of continuous service rendered by the petitioner. The complaint was dismissed only on the ground that the petitioner's case does not fall for regularization as per Government Resolution dated 16.10.2012. In view of the above fact it is necessary to remand the matter to the learned Industrial Court to decide afresh, after giving an opportunity

to the petitioner to put forth her claim.

7. In view thereof, writ petition is partly allowed. The order dated 07.08.2023 passed by Industrial Court in complaint (ULP No.119/2021) is hereby quashed and set aside. The complaint is restored before Industrial Court to decide the complaint afresh within a period of six months from today. All the issues are kept open.

8. In view of aforesaid, writ petition stands disposed of.

(SIDDHESHWAR .S. THOMBRE, J.)

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