



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

WRIT PETITION NO. 3008 OF 2019

(M/s Lokmat Media Private Limited vs. Deepak Gainoo Nonhare (deceased) through LRs)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. S.S.Ghate, Advocate for petitioner.
Mr. N.U.Lokhande, Advocate for respondents.

CORAM : SIDDHESHWAR S. THOMBRE, J.
NOVEMBER 07, 2025

- 1) Heard learned counsel for the respective parties.
- 2) The present writ petition is filed against the order dated 20/02/2019 passed by the learned Industrial Court in Complaint (ULP) No.89/2014, whereby the complaint filed by the respondent herein came to be allowed and the petitioner was directed to pay monthly wages from the period from 28/04/2014 to 05/11/2014.
- 3) Learned counsel Mr.Ghate, submitted that the Industrial Court did not consider the law laid down by this Court in the case of *Shashikaran R. Shrivastava, Thane vs. Bennett Coleman & Co. Ltd. Mumbai reported in 2017 II CLR 65* but relied upon the judgment in the case of *Benett Coleman Co. Ltd. And another vs. Mumbai Mazdoor Sabha reported in 1994(4)BCR 505* and allowed the complaint partly.
- 4) He would further submit that in *Shashikaran's* case (supra) it was held that a working journalist is not an employee within the meaning of Section 3(5) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour

Practice Act, 1971 (MRTU & PULP Act). He would further submit that the complaint before the Industrial Court itself was not maintainable. In view thereof, the issue was already settled by the Division Bench of this Court in the case of *Indraumar Jain vs. Dainik Bhaskar and another reported in 2024 SCC OnLine Bom 728*.

- 5) Per contra, learned counsel for the respondent submitted that the complaint filed by the respondent before the learned Industrial Court was maintainable. The subsequent judgment is always having a prospective effect, therefore, on the date of filing of application the law laid down by this Court in the case of *Benett* (supra) holds good and he submitted that learned Industrial Court has rightly considered the matter.
- 6) I have considered the rival submissions of both the counsel and it reveals that Division Bench of this Court referred above has already considered this issue. Even *Shashikaran's* (supra) judgment was assailed before the Hon'ble Apex Court by filing Special Leave Petition which was dismissed. In view thereof, as the Division Bench has already ruled that the working journalist is not an employee within the meaning of Section 3(5) of the M.R.T.U. and P.U.L.P. Act, 1971, I am inclined to allow the present writ petition by setting aside the order passed by the learned Industrial Court.
- 7) Accordingly, the writ petition is allowed. The impugned order dated 20/02/2019 passed by the learned Industrial Court, Nagpur in Complaint (ULP) No. 89/2014 is hereby quashed and set aside.

- 8) As the petition is allowed, the amount which was deposited by interim order dated 16/04/2019 be refunded to the petitioner along with accrued interest thereon.

(SIDDHESHWAR S. THOMBRE, J.)