



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

WRIT PETITION NO. 5442 OF 2024

(Gadchioli Zilla Jangal Kamgar Sahakari Sangh Maryadit vs. Mangalsing Dhivruji Meshram)

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

Court's or Judge's order

Mr. R.V. Bhanarkar and Mr.S.D.Sagore, Advocates for petitioner.
Mr. Ashish Chaware, Advocate for respondent.

CORAM : SIDDHESHWAR S. THOMBRE, J.
OCTOBER 06, 2025

1) Heard Mr.Bhanarkar, learned counsel for the petitioner and Mr.Chaware, Advocate for respondent.

2) The petitioner assails the order dated 29/01/2024 passed by the learned Labour Court, Chandrapur in Complaint (ULP) No. 01/2021, whereby the learned Judge, Labour Court partly allowed the complaint and directed the petitioner to reinstate the respondent in employment with continuity in service and 50% back-wages from the date of dismissal. Being aggrieved by the same, both parties i.e. petitioner and respondent preferred Revision before the Industrial Court at Chandrapur bearing Revision (ULP) No.02/2024 and Revision (ULP) No.03/2024. The learned Industrial Court dismissed both the revisions respectively.

3) Learned counsel for the petitioner submitted that the learned Labour Court failed to consider the point of jurisdiction which was raised by the petitioner that the respondent is not a 'Workman' within the meaning of Section 2(s) of the Industrial Disputes Act, 1947. He further submitted that as the respondent was working with the petitioner as 'Supervisor' and cause of action to file Complaint arose when he worked on additional charge of

Secretary, he does not come within the definition of 'Workman'. Both the Courts failed to consider the bylaws of the petitioner Society that the post of Secretary of the Society is Honorary Director of the Society and it does not come within the definition of 'Workman'. On this ground, he prayed to allow the writ petition.

4) Per contra, learned counsel for the respondent submitted that the respondent was appointed on 04/05/2007 as a 'Clerk' in Adiwasi Jungle Kamgar Sahakari Sanstha. He was given extra charge of Secretary at Vanmajur Audhogik Sahakari Sanstha, Ankhoda and was also given the charge of Secretary for Adiwasi Vanshramik Sahakari Sanstha, Bhadbhidi in the year 2008. Furthermore, on 23/12/2013 he was given extra charge of controlling supervision of nine Jungle Kamgar Sahakari Sanstha and thereafter, he was promoted on the post of 'Supervisor' on 05/05/2016. Respondent contended that he continuously worked more than 24 years of service. He submitted that the petitioner issued illegal suspension order and same was challenged by filing Complaint (ULP) No.15/2020, where, by way of an interim order dated 09/09/2020, Industrial Court directed to complete the Domestic Enquiry.

5) After conducting Domestic Enquiry, the dismissal order dated 21/12/2020 was issued and the same was challenged by filing Complaint (ULP) No.01/2021. The petitioner and the respondent led the evidence. Learned Incharge Judge Labour Court, Chandrapur allowed the Complaint (ULP) No.01/2021 and it was declared that the dismissal order dated 21/12/2020 is an unfair labour practice as envisaged in Item 1 of Schedule IV of the Maharashtra Recognition of Trade Union and Prevention of Unfair Labour Practices Act, 1971 (MRTU & PULP Act) and directed to

reinstate the complainant with continuity in service and 50% back-wages.

6) Being aggrieved by the same, the petitioner filed a Revision (ULP) No.02/2024 before the learned Industrial Court, Chandrapur and after considering the entire record, this Revision came to be dismissed. As the respondent employee has also filed Revision (ULP) No.03/2024, before the learned Industrial Court to the extent of 50% back-wages, whereby 50% back-wages were denied. Both the Revisions were dismissed by the learned Industrial Court.

7) Having heard learned counsel for the respective parties, after going through the record and the order passed by the learned Labour Court and Industrial Court, it emerges from the record that initially the respondent was appointed as 'Clerk' and subsequently given extra charge of various posts, which includes the post of Supervisor. More particularly, this issue was raised by the petitioner first time in the present writ petition. It is revealed that before the learned Labour Court, as well as in revision before the learned Industrial Court, the issue of maintainability of the complaint and whether the respondent is 'Workman' was not raised. For the sake of arguments such issue is raised in the present writ petition for the first time, therefore, same is liable to be rejected. On the contrary, when the respondent assailed the dismissal order before the learned Labour Court, the complaint was opposed by the petitioner on the ground that respondent was dismissed from the service after conducting enquiry and after following due process of law, and thereby petitioner supported the order of dismissal.

8) Learned Labour Court as well as learned Industrial Court have considered the written submissions and the evidence

led by both the parties. Learned Labour Court has rightly come to the conclusion that the petitioner engaged in an unfair labour practices and allowed the complaint partly and same is confirmed by the Industrial Court in revisions.

9) After going through the entire record and the findings recorded by the Labour Court and Industrial Court, I do not find any illegality in the orders of both the Courts below. Therefore, I do not find any reason to interfere in the impugned orders passed by both the Courts below. Accordingly, the writ petition stands dismissed. No order as to costs.

(SIDDHESHWAR S. THOMBRE, J.)