



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

.WRIT PETITION NO.1037 OF 2019

[Chief Executive Officer and Others **..Vs..** Sanjiv S/o Dhonduji
Morkure]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr A. Y. Kapgate, Advocate for Petitioners.
Mr H. R. Gadhia, Advocate for Respondent.

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 17th NOVEMBER, 2025.

1. Heard learned counsel for the petitioner as well as the learned counsel for the respondent.

2. The petitioners challenge the order dated 02.01.2018 passed by the learned Industrial Court, Bhandara in Revision (ULP) No.28 of 2017, whereby the Revision filed by the petitioners came to be rejected.

3. Learned counsel for the petitioners submits that the respondent-employee was appointed under the National Rural Health Mission and it is an admitted position that the Competent Authority was not impleaded as a party-respondent before the Labour Court. Therefore, on this ground alone, prayed that the matter deserves to be remanded back to the Labour Court for fresh consideration.

4. Learned counsel for the respondent – employee points out that the respondent is working as a vehicle

driver under “National Rural Health Mission” at Primary Health Centre, Betala under the Zilla Parishad, Bhandara, but since 2019, he has not been paid his salary.

5. Having considered the submissions advanced by both the sides, it is an admitted position that the National Rural Health Mission was not impleaded as a party-respondent in the complaint before the learned Labour Court. On that ground alone, the matter is required to be remanded back to the learned Labour Court for fresh adjudication. The learned counsel for the petitioners seeks two months’ time to move appropriate application before the Labour Court. Time as prayed for is granted. All points raised in this petition are kept open.

6. In view thereof, the petition is partly allowed. The order dated 07.10.2015 passed by the learned Labour Court, Bhandara in Complaint (ULP) No.9 of 2012 and the order dated 02.01.2018 passed by the learned Industrial Court, Bhandara, in Revision Application (ULP) No.28 of 2017, are hereby quashed and set aside. The matter is remanded back to the learned Labour Court, Bhandara for fresh consideration.

7. The learned Labour Court, Bhandara to decide the proceedings within a period of six months from the date of receipt of this order.

8. As the respondent-employee has not received his salary since 2019, he shall file proper application before the

learned Labour Court by pointing out the same and the learned Labour Court, Bhandara shall consider the grievance raised in the application by the respondent – employee on its own merits.

(SIDDHESHWAR S. THOMBRE, J.)

TAMBE