



245-2025

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

WRIT PETITION NO. 245 OF 2025

(Sunil Namdeorao Patil Vs. Hindustan Unilever Limited, through its Factory Manager)

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

Court's or Judge's orders.

Mr. S.D. Thakur, Counsel for the petitioner.

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CORAM : ANIL L. PANSARE, J.
JANUARY 16, 2025

The petitioner is aggrieved by order dated 5/1/2024 passed below Exh. U-164 by the Judge, Labour Court, Buldhana, so also order dated 19/7/2024 passed by the Member, Industrial Court, Akola, in Revision ULP No. 8/2024, thereby refusing the request made by the petitioner to lead evidence to prove that he has been not paid suspension allowance as per the provisions of the Model Standing Orders framed under the provisions of the Maharashtra Industrial Relations Act, 1946. The Labour Court assigned following reasons for not permitting the petitioner to lead evidence :

“4] Having regards to the submissions made by both the parties and their Advocates and having considered their pleading as well as documents filed by them, it is seen that, the proceeding of the main Complaint (ULP) has been remanded by Hon'ble Industrial Court, Akola vide Common Judgment and Order dated 14-12-2022 passed in Revision (ULP) No. 13/2020 and Revision (ULP) No. 18/2020 for deciding the issue of suspension allowance, which is to be paid to the complainant in accordance with the Model Standing Orders applicable and along with other two issues. However, it is seen by reply given by the Advocate of respondent

company filed below Exh. C-152 that, the issue of subsistence allowance has been decided by Hon'ble High Court of Bombay, Bench at Nagpur in Writ Petition No. 1054/2023, vide order dated 29-03-2023. Besides, it is further seen by observations made by Hon'ble High Court of Bombay, Bench at Nagpur, in order dated 26-10-2023 passed in Misc. Civil Application (Review) No. 449/2023 filed by the complainant in the same Writ Petition that, the complainant herein has failed to prove about not paid him subsistence allowance by the management of the respondent company. So also, it is further seen that, there was no cross-examination on the affidavit Exh. C-97 of the witness of respondent company on Preliminary Issue in paragraph no. 14 about subsistence allowance has been paid timely to the complainant.

5] Besides, by the copy of the aforesaid judgment and order passed by Hon'ble High Court of Bombay, bench at Nagpur, in Writ Petition No. 1054/2023, which is placed on record by the Advocate for respondent company below list Exh. C-150, seen that, the aforesaid common judgment and order of Hon'ble Industrial Court of dated 14-12-2022 passed in Revision (ULP) No. 13 and 18 of 2020 to the extent of framing issue no. 1 regarding subsistence allowance has been quashed and set aside and other remaining two issues no. 2 and 3 regarding back wages and punishment kept remained as it is. In that view of the matter, in my opinion, the issue of non payment or less payment of subsistence allowance to the complainant by the respondent company is no more available. Therefore, now there is no question of granting permission to the complainant to lead evidence for proving Article – B filed below list Exh. U-110, which was shown to the complainant during his further chief examination below Exh. 113.”

2] As could be seen, the Industrial Court, Akola, had remanded the matter back for deciding the issue of suspension allowance along with two other

issues. It was, however, noticed by the Labour Court that the issue of subsistence allowance has been decided by this Court vide order dated 29/3/2023 in Writ Petition No. 1054/2023. The Labour Court further noted that when the matter was listed before this Court in review proceedings being Civil Application (Review) No. 449/2023, this Court, vide order dated 26/10/2023, observed that the petitioner failed to prove that subsistence allowance was not paid to him by the Management and that there is absolutely no cross-examination on the evidence led by the respondent's Company of having timely paid subsistence allowance to the petitioner. Most importantly, this Court had, in Writ petition No. 1054/2023, quashed and set aside order of the Industrial Court to the extent of framing issue of subsistence allowance.

3] That being so, in my opinion, the Labour Court was fully justified in not permitting the petitioner to lead evidence afresh on the issue, which is now not before it. The Industrial Court has rightly upheld the aforesaid finding.

4] No interference, therefore, is called for in supervisory jurisdiction under Article 227 of the Constitution of India. The petition is dismissed. No costs.

(ANIL L. PANSARE, J.)

Sumit