



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

WRIT PETITION NO. 51 OF 2025

Amol Radheshyam Thakre, Aged about 37 years, Occ: Service,
R/o At Post Thugaon (Deo) Tq. Narkhed, Dist. Nagpur.

PETITIONER

VERSUS

1. The Agricultural Produce Market Committee, Narkhed,
through it's Chairman, R/o At Post, Thugaon (Deo),
Tq. Narkhed, Dist. Nagpur.
2. The Agricultural Produce Market Committee, Narkhed,
through it's Secretary, R/o At Post, Thugaon (Deo),
Tq. Narkhed, Dist. Nagpur.

RESPONDENTS

Shri A.M. Deshpande, counsel for the petitioner.
Shri Tejas Kene, counsel for the respondents.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : DECEMBER 08, 2025

ORAL JUDGMENT

RULE. Rule is made returnable forthwith and heard finally with consent of the learned counsel for the parties.

2. The petitioner takes exception to the judgment and order dated 07.08.2024 passed by the Industrial Court, Nagpur dismissing Complaint U.L.P. no.53 of 2028.

3. The petitioner is the original complainant, who had filed complaint under Section 28 read with Item 6 Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short, 'the Act of 1971') seeking declaration that the respondents have been engaged in unfair labour practices by not extending benefit of permanency to the petitioner.

4. The petitioner has averred in the complaint that he was appointed as Junior Clerk in the Office of the respondents on 01.12.2014 and since then he had worked regularly. He has submitted that the post of Junior Clerk was sanctioned and since his appointment was made after a regular recruitment process, he was entitled for permanency. The evidence was led before the Industrial Court and by the judgment and order dated 07.08.2024, the complaint of the petitioner came to be dismissed which is subjected to challenge by way of instant petition.

5. The primary contention of the counsel for the petitioner is, the Industrial Court committed gross illegality in dismissing the complaint by wrongly considering the claim of the petitioner for permanency against the post of Computer Operator, by completely ignoring the fact that the petitioner's claim was for permanency on the post of Junior Clerk. In support of his submissions, he invited attention to the averments in the complaint particularly paragraph no. 4 mentioning the claim for permanency on the post of Junior Clerk which is a sanctioned post as per Circular dated 23.10.1985 and also to the evidence on affidavit which mentioned details of petitioner's employment as Junior Clerk. He submitted that the Industrial Court gave unnecessary weightage to one statement in the cross-examination of the petitioner-complainant that the post of Computer Operator in APMC is not a sanctioned post. Although this admission had no bearing on the petitioner's claim for permanency on the post of Junior Clerk, the impugned order passed by relying on this admission is unsustainable in law.

6. The counsel for the respondents did not dispute that the claim raised by the petitioner in the complaint was for permanency on the post of Junior Clerk and not for the post of Computer Operator.

7. While considering the controversy, perusal of the complaint clearly shows that the petitioner's complaint was for claiming permanency against the post of Junior Clerk. The petitioner has not claimed any appointment or permanency on the post of Computer Operator. The Industrial Court acted under an erroneous impression that the petitioner's claim was for permanency against the post of Computer Operator and as such, the entire basis of the reasoning by the Industrial Court got shattered. Even the counsel for the respondents has not disputed that the petitioner's claim in the complaint was for permanency on the post of Junior Clerk. As such, the impugned order is unsustainable in law on this count alone.

8. Having regard to this crucial aspect, the impugned order does not stand to the scrutiny of law and the matter needs to be remanded to the Industrial Court for proper consideration of the averments in the complaint and the evidence on record and to take fresh decision after affording an opportunity of hearing to the parties concerned. Accordingly, the following order is passed:-

- I. The writ petition is allowed.
- II. The judgment and order dated 07.08.2024 passed by the Industrial Court, Nagpur in Complaint U.L.P no.53 of 2018 is quashed and set aside.

- III. Complaint U.L.P no.53 of 2018 is remanded to the Industrial Court for deciding it afresh granting opportunity of hearing to the parties concerned and considering the evidence on record.
- IV. The Industrial Court, Nagpur is directed to decide Complaint U.L.P no.53 of 2018 within a period of one month from the date of receipt of this judgment.
- 9. Rule is made absolute in aforesaid terms with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

APTE