



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

WRIT PETITION NO.2172 OF 2024

State of Maharashtra and Others **Vs.** Jagdish S/o. Sudam Meshram

WITH

WRIT PETITION NO.2173 OF 2024

State of Maharashtra and Others **Vs.** Vijendra Kanhaiyalal Warkade

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A.G. Mate, AGP for the Petitioners in both these petitions.
Mr. A.K. Kukday, Advocate for the Respondent Sole in both these petitions.

CORAM: SIDDHESHWAR S. THOMBRE, J.

DATED : 15th OCTOBER, 2025

1. Heard Mr. A.G. Mate, learned AGP for the petitioner and Mr. A.K. Kukday, learned counsel for the respondent.
2. In both these petitions, the petitioners are challenging the orders passed by the learned Industrial Court in Revision ULP No.3/2022 and Revision ULP No.4/2022 both dated 09.01.2024 whereby, the revisions filed by the respondent came to be allowed.
3. After going through the record, it reveals that the respondents herein had filed a complaints before the learned Labour Court. As per complaint ULP No.11/2019 and complaint ULP No.12/2019, complainant contended that they have worked more than 240 days in a calendar year. They failed to prove this contention by placing on

record relevant documents and therefore, the complaints were dismissed by the learned Labour Court.

4. Being aggrieved by the same, the present respondents filed revisions before the Industrial Court which were allowed.

5. After going through the order passed by the learned Industrial Court in revisions, it reveals that though there is no document on record, indicating that respondents have worked with petitioners for more than 240 days. Their contention was that the learned Industrial Court had not recorded any reasons about whether the respondents herein have completed 240 days of service in one calendar year or not. Therefore, in my opinion, both the orders dated 09.01.2024 passed by the learned Industrial Court and the orders dated 29.11.2021 passed by learned Labour Court, are liable to be set-aside and the matters are remanded back to the Labour Court to be decided a fresh.

6. In view of the fact that, in the proceeding before the learned Labour Court, it was directed to the petitioners to place on record the relevant musters/record but the same were not placed. Therefore, in the interest of justice and with a view to grant an opportunity to both the parties.

7. Accordingly, both these petitions are **partly allowed**. The orders passed by the learned Labour Court and Learned Industrial Court dated 29.11.2021 and 09.01.2024 respectively are hereby quashed and set-aside. Learned Labour Court to decide the proceedings within a period of one year from today. The complaints

filed before the Learned Labour Court are hereby restored. Needless to mention that the learned Labour Court to give an opportunity of hearing to all the parties concerned. No order as to costs.

(SIDDHESHWAR S. THOMBRE J.)

Privel