



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

WRIT PETITION NO. 2587 OF 2024

The Liquidator, The Akot Urban Cooperative Bank
Limited, Akot, District : Akola.

PETITIONER

VERSUS

1. Pundlik Mahadeo Rekhate, Aged 57 years, Occ:Nil,
R/o Navdurga Nagar, Anjangaon Road, Akot,
Taluka Akot, District Akola.
2. The Divisional Joint Registrar, Cooperative Societies,
Amravati.
3. Cooperative Commissioner and Registrar, Cooperative
Societies, 2nd Floor, Central Building, Pune-1.

RESPONDENTS

WITH

WRIT PETITION NO. 2693 OF 2024

The Liquidator, The Akot Urban Cooperative Bank
Limited, Akot, District : Akola.

PETITIONER

VERSUS

1. Sanjay Narayanrao Bodkhe, Aged 56 years, Occ:Nil,
R/o Ramtekpura, Akot, Taluka Akot, District Akola.
2. The Divisional Joint Registrar, Cooperative Societies,
Amravati.
3. Cooperative Commissioner and Registrar, Cooperative
Societies, 2nd Floor, Central Building, Pune-1.

RESPONDENTS

WITH

WRIT PETITION NO. 2697 OF 2024

The Liquidator, The Akot Urban Cooperative Bank
Limited, Akot, District : Akola.

PETITIONER

VERSUS

1. Sunil Ramkrushna Berad, Aged 52 years, Occ:Nil,
R/o Pan Atai, Guljar pura, Anjangaon (Surji)
Taluka Anjangaon (Surji), District Amravati.
2. The Divisional Joint Registrar, Cooperative Societies,
Amravati.
3. Cooperative Commissioner and Registrar, Cooperative
Societies, 2nd Floor, Central Building, Pune-1.

RESPONDENTS

WITH

WRIT PETITION NO. 2621 OF 2024

The Liquidator, The Akot Urban Cooperative Bank
Limited, Akot, District : Akola.

PETITIONER

VERSUS

1. Sharad Dinkarrao Pokmare, Aged 49 years,
R/o At post Devri, Taluka Akot, District Akola.

2. The Divisional Joint Registrar, Cooperative Societies, Amravati.
3. Cooperative Commissioner and Registrar, Cooperative Societies, 2nd Floor, Central Building, Pune-1.

RESPONDENTS**WITH****WRIT PETITION NO. 2694 OF 2024**

The Liquidator, The Akot Urban Cooperative Bank Limited, Akot, District : Akola.

PETITIONER**VERSUS**

1. Bhaskar Uttam Rathod (Deceased) Through LR's.
 - 1a. Mangala Bhaskar Rathore (Widow), Age 45 years, Occ:Nil.
 - ab. Akshay Bhaskar Rathor (Son), Age 27 years, Occ: Nil.
 - 1c. Nishant Bhaskar Rathore (Son), Age 23, Occ:Student.
 - 1d. Sagar Bhaskar Rathore (Son), Age 20 years, Occ:Student.
- All R/o Chohatta Bazar, Akot Taluka, Akot, District Akola.

2. The Divisional Joint Registrar, Cooperative Societies, Amravati.
3. Cooperative Commissioner and Registrar, Cooperative Societies, 2nd Floor, Central Building, Pune-1.

RESPONDENTS**WITH****WRIT PETITION NO. 2624 OF 2024**

The Liquidator, The Akot Urban Cooperative Bank Limited, Akot, District : Akola.

PETITIONER**VERSUS**

1. Vishnu Ramkrushna Bodkhe, Aged 57 years, Occ:Nil, R/o Ramtekpura, Akot, Taluka Akot, District Akola.
2. The Divisional Joint Registrar, Cooperative Societies, Amravati.
3. Cooperative Commissioner and Registrar, Cooperative Societies, 2nd Floor, Central Building, Pune-1.

RESPONDENTS**WITH****WRIT PETITION NO. 2696 OF 2024**

The Liquidator, The Akot Urban Cooperative Bank Limited, Akot, District : Akola.

PETITIONER**VERSUS**

1. Milind Madhusudan Jaltare, Aged 59 years, Occ:Nil, R/o Dhabadgaon Wetat, Shiwaji Nagar, Akot, Taluka Akot, District Akola.
2. The Divisional Joint Registrar, Cooperative Societies, Amravati.
3. Cooperative Commissioner and Registrar, Cooperative Societies, 2nd Floor, Central Building, Pune-1.

RESPONDENTS

Shri S.S. Ghate with Devdatta T. Sukhadev, counsel for the petitioner in all the petitions

Shri J.R. Kidilay, counsel for the respondent no.1 in all the petitions.

Shri N.S. Autkar, Assistant Government Pleader for the respondent nos.2 and 3 in all the petitions.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : DECEMBER 04, 2025

ORAL JUDGMENT

Heard learned counsel for the petitioners as well as respondents in all the cases. **RULE.** Rule is made returnable forthwith and heard finally with consent of the learned counsel for the parties.

2. By these petitions, the petitioner-Liquidator, Akot Urban Cooperative Bank Limited has raised challenge to an interim order dated 10.01.2024 passed by the Industrial Court rejecting the application for dismissal of the complaint.

3. The controversy raised in all the petitions is identical and since identical orders are challenged by the same employer, the petitions are decided by this common judgment. The controversy arises out of complaints filed by the employees against Akot Urban Cooperative Bank Limited (for short, 'the Bank') which is under liquidation. By their respective complaints, the employees have claimed their entitlement for closure compensation, ex-gratia amount for loss of future service, retrenchment compensation, encashment of balance leave, medical leave and bonus amount. The Bank appeared through liquidator in the complaint and filed an application for dismissal of the complaint for want of jurisdiction as per Section 9A of the Code of Civil Procedure, 1908 and the complaints being beyond limitation. The Industrial Court passed order dated 10.01.2024 on this application and rejected the same. The petitioner has challenged this order by way of instant petition.

4. Shri S.S. Ghate, learned counsel for the petitioner submitted that the impugned order does not deal with the primary issues raised by the petitioner vide its application for dismissal of complaint. He submitted that the core issue involved in the case is the issue of limitation and absence of employer-employee relationship between the Bank and the respondent no.1. He also submitted that the employees failed to challenge the circular/resolution dated 24.06.2009 and 07.08.2010 on the basis of which the termination orders were issued pursuant to closure of the Bank. He, thus, submitted that the impugned order does not deal with the most crucial issue about the complaints being barred by limitation and thus the impugned order is unsustainable in law.

5. As against this, Shri J.R. Kidilay, learned counsel for the respondent no.1 submitted that the respondent no.1 is entitled to raise claim for their dues as raised in their complaints. He submitted that the respondent no.1 has not been paid any compensation and the complaints cannot be dismissed only on account of limitation as the question of limitation is a mixed question of law and facts. He also submitted that the employees are not required to challenge the circulars or resolutions as their entitlements are independently claimed on the basis of statutory provisions.

6. While considering the controversy involved, on a perusal of the impugned orders, it appears that the Industrial Court has considered only the contentions about existence of employer-employee relationship. The contentions raised by the petitioner by its application for dismissal of complaint with respect to the claims being barred under Section 28 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour

Practices Act, 1971 are not at all dealt with and not decided. Further contention raised by the petitioner as regards the requirement to challenge the circular/resolution about closure of the Bank would be a subject matter of adjudication of proceedings in the complaint case. As such, it is clear that the contentions about the complaint being time barred are not decided and hence, it is necessary in the interest of justice to remit the matter back to the Industrial Court for deciding the contentions in this regard.

7. Having regard to the above mentioned factual and legal aspects, the impugned order needs to be quashed and set aside. Hence, the following order is passed:-

- I. The writ petitions are allowed.
- II. The order dated 10.01.2024 passed by the Industrial Court in the respective complaints which are impugned in these petitions are quashed and set aside.
- III. The matters are remanded back to the Industrial Court for expeditiously deciding the applications filed by the petitioner for dismissal of complaints, afresh by giving an opportunity of hearing to both the parties.
- IV. It is clarified that all the contentions raised by the parties on merits are kept open.

8. Rule is made absolute in aforesaid terms with no order as to costs.

The writ petitions are disposed of.

(PRAFULLA S. KHUBALKAR, J.)