



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.14351 OF 2025**

1. Sanjeevlal S/o. Ramachandra Dedwal,
Age. 50 years, Occu. Nil,
R/o. Zolegaon, Post. Lamangaon, Tq. Vaijapur,
Dist. Chhatrapati Sambhajnagar.
2. Kailas S/o. Jayawantrao Kakade,
Age. 49 years, Occu. Nil,
R/o. Indraprastha Colony, RH-62, Room No. 4,
Bajaj Nagar, Waluj, Tq. Gangapur,
Dist. Chhatrapati Sambhajnagar.
3. Sahebrao S/o. Ratan Khillare,
Age. 55 years, Occu. Nil,
R/o. Athegaon, Post. Chapner, To. Kannad,
Dist. Chhatrapati Sambhajnagar.
4. Shivaji S/o. Karbhari Adhav,
Age. 50 years, Occu Nil,
R/o. Chinchkheda (Khurd),
Post. Chapner, Tq. Kannad,
Dist. Chhatrapati Sambhajnagar. ..Petitioners

Versus

1. M/s. Bajaj Auto Ltd,
Bajaj Nagar, Waluj, Aurangabad,
Through Its Factory Manager.
6. Bhartiya Kamgar Kranti Sanghatana,
Plot No. 122, Opp. Manuprabha Apts,
Gurusahani Nagar, N-4, CIDCO, Aurangabad. ..Respondents

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Mr. P. P. Shahane, Advocate for Petitioners.
Mr. S. V. Dankh, Advocate for Respondent No.1.
Mr. S. B. Rajebhosale, Advocate for Respondent No.2.

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**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 25th MARCH, 2026.**

JUDGMENT:-

1. Rule. Rule made returnable forthwith. By consent of parties, matter is taken up for final hearing at the admission stage.

2. The petitioners impugn order dated 16.09.2025 passed below Exhibit-U-647 by Industrial Court at Aurangabad in Reference (IT) No.04/2006 seeking their impleadment in pending Reference as second party workmen.

3. The petitioners contend that on representation of Union seeking benefit of permanency of members of Union before Deputy Commissioner, Labour, conciliation proceeding was initiated. On failure of conciliation, Reference (IT) No.04/2006 was made to Industrial Court at Aurangabad. The petitioners are also similarly situated employees of respondent no.1. They came to know about interim award passed by Industrial Court. Therefore, they applied for their impleadment in pending Reference. However, Industrial Court rejected their application by impugned order.

4. Per contra, Mr. Dankh, learned Advocate appearing for respondent no.1 submits that petitioners never served with demand notice nor they are members of Union representing workmen. The Reference (IT) No.04/2006 is pending since 2006. The evidence is recorded. Even, common Award is passed in respect of group of employees, who entered into settlement. In this backdrop, after 20 years petitioners are seeking their impleadment in Reference de-hors procedure established under law. The Industrial Court has rightly refused their impleadment.

5. Mr. Shahane, learned Advocate appearing for petitioners relying upon observations of this Court in case of ***Avinash Seshrao Wankhede and Ors. Vs. The Nashik Municipal Corporation, Rajiv Gandhi Bhavan and Ors.***¹ and observations of Calcutta High Court in case of ***Parry's (Cal.) Employees Union Vs. Judge, Second Industrial Tribunal***² submits that petitioners ought to have been permitted to be impleaded, as they are necessary parties to proceeding. The Industrial Tribunal possesses power to permit addition of persons other than those originally mentioned as parties to the industrial dispute.

6. Having considered submissions advanced by learned Advocates appearing for respective parties and on perusal of record tendered into service, it is discernible that in year 2006 Reference under Section 2A of Industrial Disputes Act has been registered. On representation of respondent-Union, conciliation proceeding was taken up and on its failure, industrial dispute in terms of Section 2(k) of Industrial Disputes Act was referred to Tribunal. The said Reference is pending for last 20 years, wherein issue of reinstatement of workmen who were members of respondent-Union or who had issued demand notice to employer is pending

¹ 2025 (3) BomCR 699.

² 1995 (2) CLJ 59.

consideration. The petitioners are seeking impleadment in aforesaid Reference.

7. Although power of Industrial Tribunal to include persons other than those mentioned as parties to industrial dispute is well recognized, such inclusion is permitted only where it is necessary for proper determination of said dispute. However, such power is to be exercised where adjudication of dispute is not possible without impleadment of such party. In present case, 20 years ago Reference is made on failure of conciliation proceeding in pursuance to demand notice issued by individual workman or Union. The petitioners cannot be said to be necessary parties for adjudication in said Reference. The petitioners are trying to raise their individual claims without following procedure contemplated for Reference under Industrial Disputes Act.

8. This Court do not find any provision by which Industrial Court can permit impleadment of parties, who wants to raise similar claim in previously made Reference without issuing demand notice. Apparently, citations relied upon by petitioners stands all together on different footing. In case of ***Avinash Seshrao Wankhede and Ors.*** (supra) while granting benefit of regularization to daily wagers of Corporation, who served more than 10 years, this Court observed that benefit shall be extended to similarly situated employees, who were not party to proceeding. In

case of *Parry's (Cal.) Employees Union* (supra), Calcutta High Court observed that while dealing with industrial dispute, Tribunal comes to conclusion that persons other than those mentioned as parties to industrial dispute were necessary for proper determination, it had power to summon them and on their appearance pronounce Award. However, same is not case in hand.

9. In result, this Court finds no jurisdictional error in impugned order requiring interference in exercise of Writ jurisdiction under Article 227 of Constitution of India. Hence, Writ Petition stands dismissed.

10. Rule stands discharged.

(S. G. CHAPALGAONKAR)
JUDGE