



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.2247 OF 2026

Subhash s/o. Gajanan Kulkarni,
Age : 74 Years, Occ. Social Work,
r/o. Changdeonagar, Tq. Rahata,
Dist.Ahilyanagar,
Elected Honorary Member and
Vice-President,
Kopargaon Taluka Sakhar Kamgar Sabha,
@ Post Changdeonagar, Tq.Rahata,
Dist. Ahmednagar
and others

..Petitioners

Vs.

Suresh s/o. Bhimrao Salve,
Age : 62 Years, Occ. Nil,
r/o. Durgwadi, Tq.Vaijapur,
Dist. Chh, Sambhajinagar
and others

..Respondents

AND

WRIT PETITION NO.2328 OF 2026

Suresh s/o. Bhimrao Salve,
Age : 62 Years, Occ. Nil,
r/o. Durgawadi, Tq.Vaijapur,
Dist. Chh. Sambhajinagar
and anr.

..Petitioners

Vs.

Kopargaon Taluka Sakhar Kamgar Sabha,
Sakarwadi, Tq.Kopargaon,
Dist. Ahilyanagar
(Through is President) and others

..Respondents

Mr.S.V.Natu, Advocate for petitioners in W.P. No.2247/2026

Mr.A.S.Shelke, Advocate for petitioners in W.P. No.2328/2026

Mr.V.P.Golewar, Advocate h/f. Mr.B.B.Yenge, Advocate for respondent no.2 in WP No.2247/2026 and for respondent no.1 in WP No.2328/2026

Mr.P.R.Katneshwarkar, Senior Advocate h/f. Mr.Sagar S. Vidhwans, Advocate for respondent nos.5 to 8 in WP No.2247/2026 and for respondent nos.4 to 8 in W.P. No.2348/2026

Mr.Deepak V. Changede, Advocate for respondent no.9 in both matters

CORAM : AJIT B. KADETHANKAR, J.
DATE : MARCH 25, 2026

ORDER :-

Heard all the parties at length for some time. Both the petitions are concerning the election affairs of the 'Kopargaon Taluka Sakhar Kamgar Sabha' ("Trade Union" for brevity).

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2. Contending malfunctioning in the affairs of the Trade Union, the petitioners filed an application under Section 28(1) of the Trade Unions Act, 1926 before the Industrial Court, Ahmednagar. The application is numbered as Application (ICTU) No.1 of 2023. The petitioners filed an application at Exh.`U-8' for seeking directions for conduct of general elections for the period 2025-2029. Vide administrative orders passed by the learned President, Industrial

Courts, Maharashtra, the proceedings are transferred to Industrial Court at Aurangabad. The petitioners' application Exh.`U-8' was allowed and the Industrial Court appointed an Election Officer with a direction to conduct the elections. Accordingly, the Election Officer published the election program, which gave rise to objections as regards the list of employees to be considered as valid members/valid voters for the purpose of election. However, the election was conducted and the results were to be declared on 04.08.2025.

3. On 28.07.2025, the Industrial Court, Aurangabad stayed the election. The respondent nos.4 to 8 challenged the election programme order dated 04.07.2025 before the Industrial Court vide application Exh.`C-13'. Vide order dated 08.01.2026, the Industrial Court modified the order passed by the Returning Officer on 04.07.2025 and directed to proceed with the election program. Alleging that the impugned order dated 8.01.2026 has resulted into unjustifiable inclusion of the ineligible employees as valid voters/members and exclusion of eligible employees from the list of valid member/valid voters for the purpose of elections, the Writ Petition is filed by the petitioners.

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4. The petitioners herein too challenged the order passed by the Industrial Court on 08.01.2026 to the extent of its Clauses Nos.4, 5, 6 and 9. They have also challenged the order passed by the Election Officer on 04.07.2025. Suffice to note, the petitioners sought quashing of the order dated 08.10.2025 passed by the Industrial Court, Aurangabad, on an application Exh.U-A-1 in Application ICTU No.1 of 2025. This was an application by a party seeking intervention who sought to address on eligibility of the employees to be treated as valid members/valid voters.

5. It is evident that the petitioners in both the petitions challenged the same orders however, from different and independent perspective. Obviously, they are either interested in inclusion of certain class of employees as valid voters for the purpose of election and also for exclusion of certain category from the list of valid voters. The rival contentions are regarding applicability of the provisions of law as also the constitution of the trade union which governs competency and eligibility of an employee / a class of employees to be treated as valid members/valid voters for the purpose of the election to the Trade

Union to be conducted under the interim orders of the Industrial Court.

6. The parties have objection on inclusion of the members from each others' side. Simultaneously, they have grievance about non inclusion of names of their side in the list of Valid members/valid voters.

7. The predominant issue is who should be treated as Valid Member/Valid Voters for the purpose of election to the Trade Union. By consensus, the parties to both the Writ Petitions pray to direct the Industrial Court to decide the core issue. They submit that the Returning Officer can not decide the legal issue as to the class of employees to be considered as Valid Voter/Valid Member. They submit that the Returning Officer may be competent to decide the individual objections as regards to addition or deletion of names as valid member- valid voters. However, the predominant issue as referred supra, needs to be decided by the Industrial Court.

8. During the course of proceedings, all the parties in both the Writ Petitions have arrived at consensus that the order dated 08.01.2026, 04.07.2025 and 08.10.2025 passed by the Industrial

Court be quashed, and the parties be relegated back to the Industrial Court. They further submit that the Industrial court be directed to decide the core legal issue as regards to eligibility of employees to be counted as valid members/valid voters in terms of the Constitution of the Trade Union and the applicable law. They also submit that after the Industrial Court decides the core issue, election process be directed to be placed in motion.

9. Parties to both the petitioners have exchanged their suggestions with each others and as per their joint requests, both the Writ Petitions are being disposed of with the following directions:-

(i) The Order dated 04.07.2025 passed by the Returning Officer as also the order dated 08.01.2026 passed by the Learned Member of Industrial Court Aurangabad are quashed and set aside. The Parties are relegated to the Industrial Court Aurangabad.

(ii) Learned Member of Industrial Court Aurangabad shall render findings on the core issue of Valid Membership - Valid Votership for the purpose of election to the Trade Union strictly in the light of its Constitution and the applicable law and the provisions. As such, the core issue is framed as under:-

“Who shall be valid member and valid voters within the meaning of the Trade Union Constitution and applicable law?”

(iii) For the purpose above, learned Member of the Industrial Court shall issue a public proclamation in a daily newspaper widely circulated in the Ahilyanagar district, inviting objections and suggestions to address the core issue. Upon giving a meaningful consideration to such objection or suggestion, as the case may be, the Industrial Court shall pass appropriate order as observed supra.

(iv) In view of above, let the Petitioners in Writ Petition No. 2247 of 2026 i.e. intervenor before the Industrial Court also have an opportunity to address the Industrial Court on the Core Issue. As such the order dated 08.10.2025 passed by the learned Member of Industrial on an application filed below Exh. U-A-1 in In Application No. ICTU No.1 of 2025 is quashed and set aside. It is made clear that the intervention is allowed only to the extent of addressing the Industrial Court in the core issue of valid membership and valid votership.

(v) The Parties shall appear before the learned Member of the Industrial Court at Aurangabad on 01.04.2026 and file appropriate joint application producing copy of this order.

(vi) Once the Industrial Court decides the core issue of valid members- valid voters, it shall appoint a Returning Officer for the purpose of election. The parties may suggest names of the Returning Officer. It shall be the discretion of the Industrial Court to appoint suitable Returning Officer and such other election officers for the purpose of the election. The Industrial Court may continue/re-appoint the earlier Returning Officer who is a practicing advocate. The Industrial Court shall take into consideration that the Returning Officer would be having adequate infrastructure and knowledge of the election procedure to facilitate the election process seamless.

(vii) The parties undertake to assist the Industrial Court in resolution of the core issue referred by this order.

(viii) Learned Counsel for the respective parties submit that the original dispute falls within the jurisdiction of the Ahmednagar Industrial Court. However, vide an administrative order passed by the learned President of the Industrial Court Maharashtra, the case is transferred to Aurangabad Industrial Court.

(ix) It is further informed by the learned Counsels that an application below Exh. C-1 was filed by some of the parties taking exception to the order dated 04.07.2025 passed by the Returning

Officer. However, due to huge pendency of before it, the Industrial Court Aurangabad passed an order dated 28.07.2025 and stayed the election program declared by the then Returning Officer. In view of present order, order dated 28.07.2025 loses its significance.

(x) Considering this, the learned Member of the Industrial Court Aurangabad is requested to make every endeavour to decide the core issue within a period of 04 months w.e.f. 01.04.2026. The main application ICTU No.1 of 2025 shall be heard in due course of time.

(xi) The Writ Petitions stand disposed of in above terms.

[AJIT B. KADETHANKAR, J.]

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