

AGK

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.14730 OF 2025

ATUL
GANESH
KULKARNI

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Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner

V/s.

Atul Ramesh Taware ... respondent

WITH

WRIT PETITION NO.13967 OF 2025

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner

V/s.

Shirish Uttam Tupe ... respondent

WITH

WRIT PETITION NO.14703 OF 2025

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner

V/s.

Rushikuman Santosh Nawale ... respondent

WITH

WRIT PETITION NO.14160 OF 2025

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner

V/s.

Shekhar Popat Taware ... respondent

WITH

WRIT PETITION NO.14702 OF 2025

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner

V/s.

Ganesh Dhananjay Gavare ... respondent

WITH

WRIT PETITION NO.14698 OF 2025

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Akshay Dhruvkumar Salgude ... respondent

**WITH
WRIT PETITION NO.14559 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Aditya Shahaji Gaware ... respondent

**WITH
WRIT PETITION NO.14696 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Yogesh Khashaba Pawar ... respondent

**WITH
WRIT PETITION NO.14556 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Aditya Dhananjay Yadav ... respondent

**WITH
WRIT PETITION NO.14695 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Sourabh Ramchandra Deokate ... respondent

**WITH
WRIT PETITION NO.14693 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Ganesh Malharrao Jarad ... respondent

**WITH
WRIT PETITION NO.14541 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Ganesh Birdeo Solankar	... respondent

**WITH
WRIT PETITION NO.14712 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Abhijit Arvind Pondkule	... respondent

**WITH
WRIT PETITION NO.14711 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Dattatraya Dnyandeo Khomane	... respondent

**WITH
WRIT PETITION NO.14709 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Vikas Kundalik Sudake	... respondent

**WITH
WRIT PETITION NO.14535 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Prithvikumar Dhanyakumar Taware	... respondent

**WITH
WRIT PETITION NO.14708 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Dinesh Balaso Pondkule	... respondent

**WITH
WRIT PETITION NO.14707 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Abhijeet Dinkar Arjune	... respondent

**WITH
WRIT PETITION NO.14738 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Mangesh Hanumant Lonkar	... respondent

**WITH
WRIT PETITION NO.14705 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Tejas Dilip Sabale	... respondent

**WITH
WRIT PETITION NO.14716 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Suraj Sanjay Shinde	... respondent

**WITH
WRIT PETITION NO.14739 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Aniket Lalaso Taware	... respondent

**WITH
WRIT PETITION NO.14718 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Omkar Bhimdeo Waghmode	... respondent

**WITH
WRIT PETITION NO.14736 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Balasaheb Sampatrao Saste ... respondent

**WITH
WRIT PETITION NO.14510 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Kiran Baban Khomane ... respondent

**WITH
WRIT PETITION NO.14735 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Namdeo Bhanudas Khamgal ... respondent

**WITH
WRIT PETITION NO.14504 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Pandharinath Ganpat Kate ... respondent

**WITH
WRIT PETITION NO.14545 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Rajendra Tukaram Deokate ... respondent

**WITH
WRIT PETITION NO.14720 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Ganesh Satyawar Bhelake ... respondent

**WITH
WRIT PETITION (ST.) NO.32644 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Nikhil Prakash Bhosale ... respondent

**WITH
WRIT PETITION NO.14727 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Lakhan Kakaso Shendge ... respondent

**WITH
WRIT PETITION NO.14721 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Amar Vasant Taware ... respondent

**WITH
WRIT PETITION (ST.) NO.32648 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Pradip Rajendra Kokare ... respondent

**WITH
WRIT PETITION NO.14723 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Aniket Balasaheb Gawade ... respondent

**WITH
WRIT PETITION NO.14528 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Sameer Sanjay Khalate ... respondent

**WITH
WRIT PETITION NO.14552 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Mahesh Vasantryao Jadhav ... respondent

**WITH
WRIT PETITION (ST.) NO.32652 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Yuvraj Mahadeo Sorate ... respondent

**WITH
WRIT PETITION NO.14725 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Sanket Balasaheb Gawade ... respondent

**WITH
WRIT PETITION (ST.) NO.32655 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Shubham Rajendra Rokade ... respondent

**WITH
WRIT PETITION NO.14731 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Sourabh Sanjay Gade ... respondent

**WITH
WRIT PETITION NO.14498 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Yogesh Prabhakar Jagtap ... respondent

**WITH
WRIT PETITION NO.14526 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Raju Kisan Nale ... respondent

**WITH
WRIT PETITION NO.14789 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Yuvraj Shivaji Devkate ... respondent

**WITH
WRIT PETITION (ST.) NO.32661 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Pawan Sanjay Gavare ... respondent

**WITH
WRIT PETITION NO.14488 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Nikhil Prakash Kokare ... respondent

**WITH
WRIT PETITION NO.14729 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Ramchandra Sadashiv Deokate ... respondent

**WITH
WRIT PETITION NO.14529 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Ruturaj Annasaheb Deokate ... respondent

**WITH
WRIT PETITION NO.14519 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Aniket Rajendra Taware ... respondent

**WITH
WRIT PETITION NO.14157 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Vaibhav A. Nimbalkar ... respondent

**WITH
WRIT PETITION NO.14189 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Vishal Dilip Pawar ... respondent

**WITH
WRIT PETITION NO.14139 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Umesh Gopal Deokate ... respondent

**WITH
WRIT PETITION NO.14587 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Rahul Tatyasaheb Wagh ... respondent

**WITH
WRIT PETITION NO.14786 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Mahesh Hiralal Wagh ... respondent

**WITH
WRIT PETITION NO.14135 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Bantiraj Kalyan Chavan	... respondent

**WITH
WRIT PETITION NO.14521 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Nitin Narayan Nalawade	... respondent

**WITH
WRIT PETITION NO.14493 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Sachin Popat Bhosale	... respondent

**WITH
WRIT PETITION NO.14170 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Aniket Laxman Vabale	... respondent

**WITH
WRIT PETITION NO.14747 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Yuvraj Balkrushna Yele	... respondent

**WITH
WRIT PETITION NO.14142 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Akshay Govind Taware	... respondent

**WITH
WRIT PETITION NO.14532 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Shivaji Bapu Khude	... respondent

**WITH
WRIT PETITION NO.14549 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Shivam Vilas Deokate	... respondent

**WITH
WRIT PETITION NO.14746 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Arvind Mahadeo Taware	... respondent

**WITH
WRIT PETITION NO.14787 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Sumit Satish Giri	... respondent

**WITH
WRIT PETITION NO.14089 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Dhiraj Nandkumar Dhumal	... respondent

**WITH
WRIT PETITION NO.14585 OF 2025**

Malegaon Sahakari Sakhar Karkhana Limited, through Managing Director	... petitioner
V/s.	
Vinod Dashrath Taware	... respondent

**WITH
WRIT PETITION NO.14743 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Akshay Vinayak Phadtare ... respondent

**WITH
WRIT PETITION NO.14788 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Vaibhav Arjun Taware ... respondent

**WITH
WRIT PETITION NO.14740 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Karim Balbhim Ejgar ... respondent

**WITH
WRIT PETITION NO.14180 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Sani Ganpat Sargar ... respondent

**WITH
WRIT PETITION NO.14165 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Kiran Satish Jarad ... respondent

**WITH
WRIT PETITION NO.14581 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Vishal Mahendra Taware ... respondent

**WITH
WRIT PETITION NO.14163 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Mayur Madhukar Chobe ... respondent

**WITH
WRIT PETITION NO.14523 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Aman Ajit Parkhe ... respondent

**WITH
WRIT PETITION NO.14515 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Prashant Shivaji Kate ... respondent

**WITH
WRIT PETITION NO.14512 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Alankar Vijay Taware ... respondent

**WITH
WRIT PETITION NO.14506 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Viraj Mohanrao Waghmode ... respondent

**WITH
WRIT PETITION NO.14095 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Sharad Laxman Pawar ... respondent

**WITH
WRIT PETITION NO.14534 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Dharmendra Uttamrao Taware ... respondent

**WITH
WRIT PETITION NO.14082 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Babaraje Yashwant Zambre ... respondent

**WITH
WRIT PETITION NO.14499 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Avinash Shivaji Yele ... respondent

**WITH
WRIT PETITION NO.14495 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Sagar Ashok Jadhav ... respondent

**WITH
WRIT PETITION NO.14536 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Pramod Shrihari Kokare ... respondent

**WITH
WRIT PETITION NO.14039 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Shubham Dattatray Nikam ... respondent

**WITH
WRIT PETITION NO.14544 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Dadasaheb Dnyandeo Dhavale ... respondent

**WITH
WRIT PETITION NO.14301 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Sani Hanumant Mane ... respondent

**WITH
WRIT PETITION NO.14284 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Sangram Sunil Dhavale ... respondent

**WITH
WRIT PETITION NO.14304 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Vivek Prakash Waghmode ... respondent

**WITH
WRIT PETITION NO.14295 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Ganesh Bapurao Aatole ... respondent

**WITH
WRIT PETITION NO.14271 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Rushikesh Ravindra Nalage ... respondent

**WITH
WRIT PETITION NO.14542 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Pratik Sharad Jagtap ... respondent

**WITH
WRIT PETITION NO.14538 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Ajinkya Dhansingh Deokate ... respondent

**WITH
WRIT PETITION NO.14298 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Ajit Bhagwan Dhaigude ... respondent

**WITH
WRIT PETITION NO.14307 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Nanaso Jaywant Chopde ... respondent

**WITH
WRIT PETITION NO.14302 OF 2025**

Malegaon Sahakari Sakhar Karkhana
Limited, through Managing Director ... petitioner
V/s.
Aniket Rajendra Kadam ... respondent

Mr. Kiran Bapat, Senior Advocate with Mr. Jagdish
Aradwad (Reddy) and Mr. Abhijit Patil for the
petitioner.

Mr. A.S. Rao for the respondent in each WP.

CORAM : AMIT BORKAR, J.

RESERVED ON : FEBRUARY 13, 2026.

PRONOUNCED ON : FEBRUARY 18, 2026

JUDGMENT:

1. By the present writ petitions under Article 227 of the Constitution of India, the petitioner questions the legality and correctness of the Judgment and Order dated 17 March 2025 and 7 March 2025 passed by the Member, Industrial Court, Pune in respective Revision Applications arising out of Complaints filed by respondent in each writ petition. By the said orders, the Industrial Court directed reinstatement of the respondent original complainant in the services of the petitioner from the date of the order. The petitioner contends that such directions could not have been issued since no relationship of employer and employee ever existed between the parties.

2. The background facts may briefly be stated. The petitioner is a cooperative society registered under the Maharashtra Cooperative Societies Act, 1960 and runs a sugar factory at Malegaon (Bk), Taluka Baramati, District Pune in the name of Malegaon Sahakari Sakhar Karkhana Ltd. Elections to its Board of Directors are held every five years. Elections were due in January 2020. According to the petitioner, the outgoing Board apprehended defeat and, with a view to secure electoral support, assured employment to several persons including the respondent. In that context, an alleged resolution dated 11 December 2019 was passed and thereafter a purported appointment order dated 27

February 2020 was issued in favour of the respondent. The outgoing Board lost the elections and a new Board assumed office on 23 February 2020 after declaration of results on 24 February 2020. It is alleged that thereafter approximately 326 appointment orders dated 27 February 2020 were issued, though the outgoing Board had already lost power. The petitioner asserts that these orders were never implemented and were discovered by the newly elected Board to have been issued pursuant to a resolution whose subject itself did not include appointment of employees.

3. The petitioner further states that even after defeat in the elections, the previous Board convened a meeting on 7 March 2020 and purportedly approved the earlier resolution dated 11 December 2019 though several directors opposed it. The appointment orders dated 27 February 2020 were entered in the outward register by overwriting a single outward number between two existing entries. The same outward number corresponded to a communication sent to the Provident Fund authority.

4. It is also the petitioner's case that the alleged appointment orders bear the signature of the then Chairman who had no authority to issue such orders. Under Standing Order 3 A applicable to sugar factories, appointment orders must be signed by the Managing Director. Though the Managing Director was in office, the Chairman signed the orders. The petitioner asserts that such appointment orders are not available in the official records and are therefore non existent and void.

5. After declaration of election results on 24 February 2020, the erstwhile Board filed Writ Petition No. 2438 of 2020 before this Court contending that its tenure continued till 3 April 2020 as per the Maharashtra Cooperative Societies Act. By order dated 6 March 2020 this Court prima facie accepted that contention and permitted the Board to function till 3 April 2020 subject to the restriction that no policy decision shall be taken.

6. The State Government through the Cooperative Department issued a circular dated 13 March 2020 directing all sugar factories not to make fresh appointments unless the Indulkar Pattern was implemented. In view of the said circular and the order of this Court, the Regional Joint Director of Sugar by letter dated 17 March 2020 directed the Chairman of the petitioner factory not to act upon the alleged appointments made pursuant to the resolution dated 11 December 2019.

7. Complaints were thereafter made by certain directors to the Commissioner of Sugar, Maharashtra State regarding the alleged illegal appointments. By order dated 3 April 2020 the Commissioner stayed the appointment orders issued on the basis of the resolution dated 11 December 2019.

8. Pursuant to the directions of the State Government and the authorities under the Sugar Department, the petitioner factory issued a public circular dated 10 April 2020 informing that any orders issued pursuant to the resolution dated 11 December 2019 stood stayed.

9. The respondent thereafter filed Complaint (ULP) No. 31 of 2021 before the First Labour Court, Pune under Section 28(1) of the MRTU and PULP Act read with Item 1(a)(b)(d) of Schedule IV. He alleged that he had been appointed pursuant to resolution dated 11 December 2019 and appointment order dated 27 February 2020, that he was working continuously, receiving wages and marking attendance through biometric system, and that his services were orally terminated on 4 April 2020. He therefore sought setting aside of the alleged oral termination and reinstatement.

10. The respondent also filed an application below Exhibit U 2 under Section 30(2) of the Act seeking interim reinstatement pending the complaint. The petitioner opposed the application and filed a written statement denying the claim and produced relevant documents.

11. After hearing both sides, the First Labour Court by order dated 4 July 2022 rejected the interim application holding that the complainant failed to establish a prima facie case of unfair labour practice.

12. The petitioner thereafter filed an application in the complaint seeking decision on maintainability on the ground that the complainant was not an employee within the meaning of Section 3(5) of the Act. By order dated 5 August 2023 below Exhibit U 1 the Labour Court rejected the application holding that the pleadings and documents disclosed existence of employer employee relationship. A revision against the said order was

dismissed.

13. The Labour Court thereafter recorded evidence of the parties and their witnesses. By common Judgment and Order dated 18 May 2024 it dismissed the complaint holding that the complainant failed to prove unfair labour practice or illegal termination from 4 April 2020 and further held that compliance with the order of the Commissioner of Sugar could not constitute unfair labour practice under Item 1(a).

14. Aggrieved thereby, the respondent filed Revision Application (ULP) No. 66 of 2024 before the Industrial Court, Pune. By the impugned Judgment and Order dated 17 March 2025 the Industrial Court allowed the revision and directed reinstatement of the respondent from the date of the order, which order is challenged in the present petitions.

15. Mr. Bapat learned Senior Advocate for the petitioner submits that the Industrial Court recorded findings without any supporting evidence by holding that the respondent's appointment was prior to the resolution dated 11 December 2019. It is contended that none of the alleged employees produced any appointment order either prior to or subsequent to the said resolution. The Industrial Court further erred in observing that unless the appointment order dated 27 February 2020 was declared void, the petitioner could not terminate services, despite the specific case of the petitioner that no such appointment order was ever issued. It is also submitted that the finding regarding non compliance of Section 25F of the Industrial Disputes Act is unsustainable when no

employee proved actual working even for a single day, much less continuous service of 240 days in the preceding twelve months.

16. It is further submitted that the Industrial Court wrongly concluded that the newly elected Board appointed 404 workmen and therefore the complainants were victims of political rivalry. According to the petitioner, there were no pleadings regarding such appointments and hence adverse inference ought not to have been drawn. The said 404 persons were long standing temporary and seasonal labourers and not fresh appointees. The petitioner reiterates that elections were held on 23 February 2020 and the outgoing Board, apprehending defeat, passed the resolution dated 11 December 2019 during the election code of conduct to secure electoral support by promising employment to about 326 persons. The results were declared on 24 February 2020 and a new Board was elected. Though the earlier Board was permitted by order of this Court dated 6 March 2020 to continue till 3 April 2020, it was restrained from taking policy decisions. Despite this restriction, appointment orders dated 27 February 2020 were allegedly issued after defeat in elections and those orders were neither served nor found in official records.

17. It is further contended that the respondent produced no documentary evidence establishing employer employee relationship or proof of having worked for any period. Under the applicable Standing Orders of the sugar factory, appointment orders can be issued only under the signature of the Managing Director. The alleged orders bear the signature of the Chairman dated 27 February 2020 and are therefore illegal and void.

18. The Industrial Court also ignored that the agenda of the Board meeting dated 11 December 2019 did not include the subject of appointment of 326 employees. The alleged appointments were contrary to the Government circular dated 3 January 2020, contrary to directions of the Maharashtra State Sugar Sangh, the Cooperative Department and the Regional Joint Director of Sugar. The Commissioner of Sugar by order dated 3 April 2020 stayed all such appointments made pursuant to the resolution dated 11 December 2019.

19. The petitioner submits that it was bound by directions issued by the Government, the Sugar Sangh, the Cooperative Department, the Regional Joint Director and the Commissioner of Sugar. In compliance with those binding directions, the petitioner issued circular dated 10 April 2020 staying implementation of the alleged appointments. The order dated 3 April 2020 passed by the Commissioner continues to operate and has not been set aside by any competent court and is therefore binding.

20. It is contended that the respondent never worked in the factory and therefore was never entitled to wages. He never approached the petitioner with any grievance regarding termination. The real grievance was against the order of the Commissioner dated 3 April 2020 which ought to have been challenged in appropriate proceedings. Filing of a caveat by the petitioner was a routine legal precaution and does not establish termination.

21. The petitioner submits that no unfair labour practice under Item 1(a), (b), (d) is made out. The notice dated 10 April 2020 merely implemented the Commissioner's order. During cross examination the respondent admitted absence of any proof of employment and admitted that he was not engaged for three consecutive crushing seasons.

22. It is further submitted that the alleged appointment order is fabricated and contrary to Standing Orders. The outward register shows that outward number 9716/2019 20 related to a letter to the Provident Fund Office and thereafter an interpolated entry was inserted between numbers 9716 and 9717 showing recruitment of seasonal workers numbered 9716/1 to 312. The witness maintaining the register deposed that the Chairman retained the register between 21 March 2020 and 18 April 2020 and upon its return the false entry dated 27 February 2020 was noticed and reported to the Managing Director. This demonstrates interpolation and not issuance in regular course.

23. Even assuming the respondent's own case that he was appointed on 27 February 2020 and terminated on 4 April 2020, he could have worked only about forty days. Therefore, continuous service of 240 days is not established, and statutory protection is unavailable.

24. Learned counsel for the respondent submits that resolution dated 11 December 2019 sanctioned appointment of various categories of employees and the complainants were appointed pursuant thereto. Though some claim earlier association, all

received appointment letters dated 27 February 2020. They worked as temporary operatives, received wages by cheque, were issued tickets and marked attendance through biometric system. Records remain in custody of the employer. Termination is alleged to be victimisation and the direction of the Commissioner is not binding on the Labour Court. Even otherwise reinstatement without back wages is justified.

25. It is submitted that on 4 April 2020 when the complainants reported for duty they were orally refused work and thus terminated without written order or reason in violation of natural justice and constituting unfair labour practice. Complaints were lodged with police and labour authorities. Though the new committee assumed office on 23 February 2020, the earlier committee continued till 4 April 2020 under court orders. Due to rivalry the new committee terminated about 100 workers appointed under the resolution dated 11 December 2019. Thereafter, a notice dated 10 April 2020 displaying the Commissioner's order was put up. During the crushing season 2020 2021 commencing on 25 October 2020 the complainant again sought employment but was refused, and other workers were engaged. Despite lockdown directions against termination, services were discontinued. The complainant remained unemployed though additional temporary and retired workers were engaged later, and he was ready and willing to work.

26. It is further submitted that the Commissioner passed order dated 3 April 2020 without hearing the complainant and hence it is not binding upon him. Termination was politically motivated.

Filing of caveat indicates admission of termination. Legal notices dated 21 August 2020 and 26 October 2020 seeking reinstatement were not replied. Delay in filing complaint occurred due to nationwide lockdown and extension of limitation granted by the Supreme Court. Dismissal of the writ petitions is therefore prayed.

ANALYSIS AND REASONING:

Burden of proof on the complainant:

27. The complainant cannot succeed merely by making statements in the complaint. The law requires proof, and proof means reliable material placed before the Court. First he has to establish that there was a lawful appointment. For that purpose an appointment letter issued by a competent authority, entries in service records, wage slips, muster rolls or any official record are normally expected. Without showing how and by whom he was appointed, the very foundation of his claim remains uncertain.

28. Next he must demonstrate that he in fact worked in the Karkhana. Actual work is a matter of fact and not assumption. It can be shown by attendance registers, biometric records, payment vouchers, bank entries, co-worker testimony or any contemporaneous document. If a person says he worked but produces nothing to indicate presence in the establishment, the Court cannot presume employment merely on his word.

29. Further, wherever labour law protection depends upon length of service, continuity becomes important. The complainant has to show that he worked for the required period in a continuous manner as contemplated by law. Occasional presence or short

duration engagement does not satisfy statutory requirement. The Court must see concrete material establishing the number of days worked.

30. Therefore, pleadings only set out the case. They do not prove it. Allegations in the complaint are only a starting point. Unless supported by dependable evidence, they cannot discharge the burden which lies upon the complainant.

Documentary proof of appointment:

31. The first and most striking circumstance is that no original appointment order is found in the official record of the Karkhana. When an establishment appoints employees, the record normally reflects it in a regular and traceable manner. Entries appear in dispatch registers, inward outward registers and service files in chronological sequence. Here, the witnesses who maintained the outward register have explained how the entry relating to these alleged appointments came to appear in the record. According to them, between two existing outward numbers a fresh series numbered 9716/1 to 9716/312 was inserted. The register was not in their custody for some time as the Chairman had taken it. When it returned, the additional entries were noticed and immediately reported. The entry stands sandwiched between earlier completed entries. Such a pattern is inconsistent with a document issued in the ordinary course and suggests a later insertion.

32. The appointment letters relied upon by the complainant carry the signature of the Chairman. The Standing Orders governing the factory require the Managing Director to sign

appointment orders. When the rules clearly fix authority in a particular officer, a letter signed by another person cannot be treated as a regular appointment unless special circumstances are shown. The manner in which the letters are signed therefore creates serious doubt about their authenticity.

33. The Board meeting dated 11 December 2019 is relied upon as the source of power for these appointments. However, the agenda of that meeting does not contain any subject relating to recruitment of 326 employees. Appointment of such a large number of workers is not a routine matter. It affects finances, staffing pattern and statutory compliances. Ordinarily it would be specifically placed on the agenda for discussion and approval. Its absence indicates that the meeting was not convened for this purpose and that the resolution later relied upon does not arise from a regular deliberative process.

34. When these circumstances are viewed together, they form a consistent picture. The record does not show regular issuance. The signatory lacks authority. The agenda does not support the decision. In spite of these deficiencies, the respondent has not produced any independent primary material to bridge the gap. The claim of valid appointment therefore remains unsubstantiated.

35. The respondent relied upon the principle laid down in the decision *Shri Bhogawati Sahakari Sakhar Through its Managing Director Verses Ananda Ishwara Kumbhar and Others*, (2020) 2 Bom CR 471 where the Court held that merely because the Managing Director had not personally signed the appointment

letter, the appointment would not automatically become illegal if in fact the workmen were continuously working and the employer had accepted their services for years together.

36. However, the applicability of that principle depends entirely on the factual foundation on which that judgment proceeded. In that case, the Court found clear and undisputed evidence that the workmen were actually working for long duration, their presence in the establishment was admitted, and the employer had treated them as employees for years. The issue there was only about the form of the appointment and the authority of the signatory. Since real employment was proved, the Court held that internal procedural irregularity regarding signature could not defeat substantive employment. The present case stands on a different footing. Here, the very existence of employment is in serious dispute. The appointment letters are not found in official records. The outward register shows later insertion. The signatory is not the competent authority under the Standing Orders. The agenda of the Board does not show any recruitment decision. The Commissioner stayed implementation of such appointments. Most importantly, the complainant failed to prove actual working by producing independent material. Therefore, the controversy is not about irregular appointment. It is about whether any appointment existed at all. Where long service and acceptance by employer are proved, signature irregularity becomes secondary. But where employment itself is unproved, the signature assumes primary importance because it becomes the only foundation of the claim. In such a situation, absence of signature of the competent

authority is not a mere technical defect. It goes to the root of the creation of service relationship. Thus, the cited judgment cannot assist the respondent. That judgment protects a proved employee against technical objection. It does not create employment where foundational evidence is absent. Here the appointment letters signed by the Chairman cannot be treated as valid merely on the strength of that precedent because the essential factual element of admitted or proved employment is missing.

Evidence of actual employment and continuity:

37. The respondent asserts that he actually worked in the factory, received wages and marked attendance through biometric face recognition. If supported by proper records, such circumstances would ordinarily indicate real employment. Attendance logs, wage registers, bank payment entries or electronic attendance data are reliable indicators because they are created in the routine functioning of an establishment and not for the purpose of litigation.

38. However, no such material has been produced before the Labour Court. The case of the complainant is that the employer was in custody of these records. Even then, some supporting material was expected from his side. A worker who claims continuous work usually possesses wage slips, bank entries, identity cards, co-worker testimony or any contemporaneous proof showing presence in the establishment. None was placed on record. During cross examination the complainant himself admitted that he had no document to establish that he worked

from the dates mentioned by him. He further admitted that he was not engaged during three continuous crushing seasons. These admissions go directly to the root of the claim of continuous service.

39. Even proceeding on the assumption most favourable to him, namely that he received an appointment on 27 February 2020 and was discontinued on 4 April 2020, the total period comes to roughly forty days. Labour law protection invoked by the complainant depends upon completion of 240 days continuous service in the preceding twelve months. The admitted duration does not even remotely approach that statutory requirement.

40. In these circumstances, the conclusion drawn by the Industrial Court that 240 days of service stood proved is not supported by any dependable evidence and cannot be sustained.

Effect of the Commissioner's order and other governmental directions:

41. The record also shows that several directions were issued by the competent authorities controlling cooperative sugar factories. The Cooperative Department and the Regional Joint Director circulated instructions that no fresh recruitment should be made unless the prescribed pattern was followed. Thereafter, the Commissioner of Sugar, by order dated 3 April 2020, specifically stayed the appointments said to have been made on the basis of the resolution dated 11 December 2019. The petitioner then issued a public notice dated 10 April 2020 informing that implementation of those appointments stood suspended in view of the said order.

42. A cooperative sugar factory operates within a statutory framework and is subject to supervision of the authorities under the cooperative laws. When a competent authority issues a direction or passes a stay order, the management is expected to obey it. If the employer had ignored the Commissioner's order and continued the appointments, it would itself have acted in breach of statutory control. Therefore, refusal to give effect to the disputed appointment letters was a consequence of compliance with binding administrative directions and not an independent decision of the management to remove workers.

43. If the complainant was aggrieved by the Commissioner's order, the proper course was to challenge that order before the appropriate forum. The cause of action in such a situation arises from the administrative order itself, not from the employer's obedience to it.

44. The Labour Court appreciated this position and held that implementation of the Commissioner's order would not amount to unfair labour practice under Item 1(a) of Schedule IV. The Industrial Court, while reversing that finding, did not examine the binding nature of the Commissioner's stay or the chain of departmental communications that preceded it. As a result, its conclusion rests without addressing the legal effect of those directions.

On interpolation, fabrication and adverse inferences:

45. The evidence regarding the outward register assumes importance because it is the basic dispatch record of the

establishment. The witnesses who maintained that register explained how the book was taken away by the Chairman for some time and later returned. After its return, a fresh block of entries relating to the alleged appointments appeared between two already completed serial numbers. The numbering pattern itself shows that the entries were not made in ordinary chronological sequence. From this sequence the Labour Court drew an inference that the entries were inserted later and were not part of the original record. The witnesses were examined and cross-examined on this aspect and their version remained consistent.

46. While reversing the decision, the Industrial Court did not analyze this evidence in detail. It did not discuss the testimony of the register keeper nor did it consider the numbering pattern and custody of the record. When a finding is based upon documentary suspicion supported by oral evidence, the appellate authority is expected to evaluate that material before discarding it. Absence of such discussion weakens the reversal.

47. In a situation where the authenticity of the primary record itself is doubtful and the only alleged proof of appointment comes from documents whose origin is questioned, some independent corroboration becomes necessary. The complainant could have produced co-worker testimony, payment proof, identity cards or any contemporaneous material indicating that he actually entered service. No such corroboration was brought on record. The gap therefore remained unfilled.

On the point of Victimisation:

48. The respondent argued that even assuming the requirement of 240 days service is not strictly satisfied, reinstatement could still be granted because the termination was an act of victimisation. According to him, the employer acted out of hostility and therefore the Court should grant relief irrespective of technical requirements relating to continuous service.

49. This submission cannot be accepted in the present facts. Before examining motive, the Court must first be satisfied that the person complaining was in fact a workman of the establishment. Victimisation presupposes an existing employment relationship. If the very appointment is doubtful and not proved by reliable material, the question of punishing the employee for extraneous reasons does not arise. The law does not recognize victimisation in vacuum. It arises only after employment is established.

50. Secondly, allegation of victimisation must be supported by some objective circumstance such as selective action, disciplinary targeting, discriminatory treatment or retaliation for lawful activity. Here the action complained of followed a general order of the competent authority staying the appointments themselves. The employer acted uniformly upon that order and issued a public notice implementing it. Such conduct is consistent with compliance rather than hostility. Therefore, the argument that reinstatement should follow on the ground of victimisation cannot be sustained. In absence of proof of valid appointment and in absence of material showing targeted action against the

complainant, relief cannot be granted merely by attributing motive to the employer.

Conclusion on findings of fact and law:

51. The Labour Court had examined the oral and documentary evidence in detail and recorded reasons for disbelieving the alleged appointment and termination. When a superior forum interferes with such findings, it is expected to reassess the same material and explain why the earlier conclusions are incorrect. In the present case, the Industrial Court set aside the decision but did not undertake that exercise. The order proceeds on acceptance of the complainant's version without analysing the basic evidence on which the Labour Court relied.

52. There was no original appointment order in the official record. The witnesses spoke about interpolation in the outward register. The letters carried the signature of a person not authorised under the Standing Orders. The Commissioner had already stayed implementation of such appointments. Each of these factors directly affected the existence of employment itself. Yet the Industrial Court treated them as inconsequential and proceeded on the assumption that employment stood proved.

53. The complainant had also admitted during cross examination that he possessed no record to show actual working and that he was not engaged during successive crushing seasons. These admissions were relevant because they went to the root of continuity of service. The Industrial Court did not address them while granting reinstatement.

54. In absence of discussion on these crucial aspects, the conclusion that the complainant was entitled to reinstatement rests on assertions rather than evidence. The finding therefore cannot stand scrutiny in law and does not emerge from the record placed before the Court.

55. For the reasons discussed above, following order is passed:

- (i) The writ petitions succeed;
- (ii) The Judgment and Orders dated 17 March 2025 and 7 March 2025 passed by the Industrial Court, Pune in all Revision Applications are quashed and set aside;
- (iii) The common Judgment and Order dated 18 May 2024 passed by the First Labour Court, Pune in Complaints filed by respondent in each writ petition stand restored;
- (iv) The respondents' claim for reinstatement and other reliefs in complaint filed by respondent in each writ petition are dismissed;
- (v) No order as to costs.

(AMIT BORKAR, J.)