



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

WRIT PETITION NO. 3138 OF 2024

1. Prafulla s/o Shahuraoji Lohkare,
Aged about 38 yrs, occ. Service,
R/o Godawari Colony, Amravati,
Tq. Dist. Amravati.

2. Rupesh s/o Vinayakrao Tupade,
aged about 33 yrs, Occ. Service,
R/o Saiprem Nagar, Amravati,
Tq. District Amravati

3. Nitin s/o Kashinath Nagpure,
Aged about 38 yrs, Occ. Service,
R/o Maya Nagar, Amravati,
Tq. Dist. Amravati.

4. Jafiroddin Jamiroddin,
Aged about 43 yrs, Occ. Service,
R/o Pathan Chowk, Amravati,
Tq. dist. Amravati

5. Prabhakar Arjunrao Satao,
Aged about 47yrs, Occ. Service,
R/o Rajendra Nagar, Amravati,
Tq. Dist. Amravati.

...PETITIONERS

...VERSUS...

Jadhav Gears through its proprietor
Sanjay S. Jadhav, SAE 1/7,
Mangilal Plots opposite IMA Hall
Camp Amravati,
Maharashtra 444 602

...RESPONDENTS

Ms. Chahal D Lilhare, Advocate h/f Mr. S.S. Dhengale,
Advocate for petitioners.
Mr. A.J. Pathak, Advocate for respondent.

CORAM:- M.W. CHANDWANI, J.
DATE :- 10.02.2026

ORAL JUDGMENT:

Heard the learned counsels for the respective parties.

2. The petition challenges the order dated 7.2.2024, below Exhibit C-5, passed by the learned Member of the Industrial Court, Amravati, in the Complaint (ULP) No. 32/2020, whereby preliminary objection raised by the respondent regarding tenability of the complaint was upheld and the complaint filed by the petitioners for recalling an order passed earlier was held to be not tenable and was dismissed.

3. Initially, a closure notice dated 1.2.2019 was challenged by the petitioners in the earlier complaint ULP No. 15/2019 and thereafter, the dispute has reached upto this Court. The said complaint ULP No. 15/2019 was disposed of by way of compromise dated 26.3.2019 between the petitioners and the respondent. Thereafter, filing ULP Complaint No. 32/2020, the petitioners sought to recall the order dated 26.3.2019, passed by the Industrial Court in Complaint ULP No. 15/2019. The respondent raised an objection about maintainability of the said complaint which was upheld by the Industrial Court by the impugned order.

4. It appears from record that the matter was settled between the petitioners and the respondent by filing Joint Pursis and the Terms of Settlement were placed on record and accordingly, earlier complaint came to be disposed of in wake of the said settlement. Thereafter, the petitioners were taken back on the services as per the settlement. Now, by the present complaint, the compromise recorded by the Court is sought to be recalled by filing the present petition.

5. The contention is that the terms of the settlement are illegal and fraud has been played on the petitioners. There is no detailed allegation of fraud in the complaint. So far as illegal terms of compromise are concerned, the employees agreed to waive off some rights for some benefits which they got, therefore, there is nothing on record to suggest that an illegal compromise was arrived at between the parties.

6. It is tried to argue on behalf of the petitioners that as per the settlement terms, wages for one month was agreed to be given, but were not given. The said issue is pending for consideration before the Industrial Court in another matter filed by the petitioners.

7. Therefore, no interference is required in the order of the Industrial Court.

There is no merit in the petition, hence, it is dismissed.

(M.W. CHANDWANI, J.)

Belkhede PS