



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

WRIT PETITION NO. 7045 OF 2024

GONDIA ZILLA DEKHREKH SAH. SANSTHA LTD. THRU. ITS. C.E.O., GONDIA

VERSUS

SMT. ARUNABAI Wd/o PANDURANG MANKAR AND ANOTHER

Office Notes, Office Memoranda of Coram,
appearances, Court's Orders or directions and
Registrar's order

Court's or Judge's Order

Ms. Aditi Y. Pardhi, Advocate for the petitioner.
Mr. G. G. Bade, Advocate for respondent no.1
Mr. Onkar A. Ghare, Advocate for respondent no.2

CORAM : M. W. CHANDWANI, J.
DATE : FEBRUARY 12, 2026.

1. Heard Ms. Aditi Y. Pardhi, learned counsel appearing on behalf of the petitioner, Mr. G.G. Bade, learned counsel appearing on behalf of respondent no.1 and Mr. Onkar Ghare, learned counsel appearing on behalf of respondent no.2.

2. The challenge in this petition is to the judgment and order dated 28.03.2024 passed by the learned Member, Industrial Court, Nagpur in Complaint ULP No. 136/2015 thereby directing petitioner-society to calculate and to pay to respondent no.1 the amount of family pension, provident fund and gratuity along with interest at the rate of 9% from the date of complaint with a further direction to petitioner-society to cease and desist from engaging in unfair labour practice in future.

3. It is a common ground that petitioner-society is not a 'State' so as to attract the provisions in respect of family

pension as enumerated under the Maharashtra Civil Services (Pension) Rules, 1982 as well as payment of provident fund, gratuity and other benefits. The impugned judgment did not give any reason as to why respondent no.1 is entitled to get family pension, provident fund and other benefits but opined that since, the husband of respondent no.1 was working with petitioner Society, she is entitled for those benefits.

4. That apart, it appears that inspite of service of notice, petitioner-society did not participate in the proceedings before the Industrial Court. The reason mentioned in the petition is that it was not communicated by the concerned Clerk. I am not impressed by this submission.

5. Since, the matter is required to be adjudicated afresh, particularly in wake of absence of finding with regard to entitlement of respondent no.1 to family pension and other benefits to which only a government servant is entitled, the matter is required to be remanded back to the Industrial Court.

6. Since, inspite of service, petitioner-Society did not appear before the Industrial Court, therefore, some cost is required to be imposed upon it.

7. Accordingly, the writ petition is partly allowed with costs of Rs.10,000/-.

8. The judgment and order dated 28.03.2024 passed by the Industrial Court, Nagpur in Complaint (ULP) No. 136/2015 is quashed and set aside.

9. The matter is remanded back to the Industrial Court, Nagpur for deciding the same afresh.
10. Needless to mention, this is the second round of litigation. Therefore, it will be appropriate to direct the Industrial Court, Nagpur to decide the matter within three months from the date of receipt of this order.
11. The parties are directed to appear before the Industrial Court, Nagpur on 09.03.2026.
12. Out of the total cost of Rs.10,000/-, an amount of Rs.5,000/- be paid to respondent no.1 and the remaining amount of Rs.5,000/- be paid to Tiroda Bar Association, Dist. Gondia.
13. The writ petition stands disposed of in the aforesaid terms.

(M.W.Chandwani, J.)

Diwale