



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

CRIMINAL WRIT PETITION NO. 70 OF 2026

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- 1] Shri Girish s/o Sudhakar Rao Kumarwar,
Aged 56 Yrs, Occ. Service,
R/o Khaparheda Thermal Power Station,
Khaparheda, Tah. Saoner, Dist. Nagpur(Mah).
- 2] Heena Yasmeeen Khaiyyam,
Aged 40 Yrs., Occ. Service,
R/o CTPS, Chandrapur,
Tah. & Dist. Chandrapur.
- 3] Sudhakar s/o Laxman Ghorpade,
Aged 59 Yrs., Occ. Retired,
R/o Opp Biyani Petrol Pump,
Tukum, Chandrapur, Dist. Chandrapur

... **PETITIONERS**

- - **V E R S U S** - -

Haridas s/o Raoji Kumre,
Aged about 58 Yrs. Occ. Service,
R/o CTPS Colony, Qtr. No. E/90/4,
Urja Nagar, Chandrapur,
Tah. & Dist. Chandrapur.

... **RESPONDENT**

Mr. M.P. Khajanchi, Advocate for the Petitioner.

Mr. Parth Joshi, Advocate h/f. Mr. M.N. Ali, Advocate for the Respondent.

CORAM : M.M. NERLIKAR, J.

DATE : MARCH 24, 2026.

ORAL JUDGMENT:

Rule. Rule made returnable forthwith. Heard finally with the consent of learned counsel for both the parties.

2. The limited challenge raised by the petitioner is that in the operative order though proceedings in Criminal Complaint (ULP) No.1/2024 pending before the Judge, Labour Court, Chandrapur, was stayed till final decision of the revision or until further order, however, in the later part, i.e., clause no. [ii] it is stated that “stay of the proceeding is not applicable to stage of first appearance and bail of revision petitioners before the Judge, Labour Court, Chandrapur, in consequence of

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process issued by it.”

3. The learned counsel for the petitioner submits that the Criminal Complaint (ULP) No.1/2024 was filed by the respondent herein against the present petitioners. He submits that the learned Labour Court, Chandrapur, by its order dated 23/12/2025, was pleased to issue process against the present petitioners for the offence punishable under Section 48(1) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, and it was made returnable on 17/01/2026. This order of issuance of process was challenged by the petitioner by filing Revisional complaint (ULP) No.01/2025, wherein the Member, Industrial Court, Chandrapur, was pleased to stay the proceedings till the final decision of the revision or until further order, however, in the operative part, in clause No.(ii), stay was granted only to the proceedings and it is observed that *“it is not applicable to stage of first appearance and bail of revision petitioners before Judge,*

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Labour Court, Chandrapur, in consequence of process issued by it.” The learned counsel submits that compelling the petitioner to appear and furnish bail would frustrate the very object of filing the revision and granting of stay by the Revisional Court will be of no use. He further submits that the Industrial Court has committed grave error by inserting clause No.(ii) in the operative order, as in the first clause, the proceedings of the criminal complaint were stayed by the Industrial Court. He further submits that the operative part of clause No.(ii) is bad in law, and therefore, he prayed to quash the same.

4. On the other hand, the learned counsel for the respondent opposes the petition and submits that no prejudice would be caused by putting in appearance before the labour Court by the petitioners. He further submits that, it is a criminal complaint filed by the present respondent for failure on their part to comply with the order, and therefore, it is a punishable offence under Section 48(1) of the Maharashtra Recognition of

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Trade Unions and Prevention of Unfair Labour Practices Act, 1971, and therefore, according to him, the Court has rightly passed the order, directing him to appear before the Labour Court and to obtain bail. He submits that no error was committed by the Industrial Court, and therefore, according to him, there is no merit in the petition.

5. I have considered the rival submissions. This Court, by order dated 28/01/2026, has stayed clause No.(ii) of the operative part of the order dated 14/01/2026. Admittedly, in the revision stay was granted by the Industrial Court to the original proceedings pending with the Labour Court. Therefore, once stay to the original proceedings is granted, it is not desirable to ask the petitioner to appear and furnish bail, otherwise the very purpose of granting stay to the original proceedings would be frustrated.

6. Considering the above, the following order is passed:-

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ORDER

- (i) The Criminal Writ Petition is **allowed**;
- (ii) Clause No.(ii) of the operative part of the order dated 14/01/2026, passed by the Member, Industrial Court, Chandrapur, is hereby quashed and set aside.
- (iii) Rule is made absolute in above terms.

[M. M. NERLIKAR, J]