

(2012) 09 BOM CK 0211

In the Bombay High Court

Case No : Writ Petition No. 4950 of 2012

Bhausahab Tulshiram Shinde and Others

APPELLANT

Vs

President, Administrative Committee

RESPONDENT

Date of Decision : 13-09-2012

Acts Referred:

Citation : (2013) 136 FLR 333

Hon'ble Judges : S.V. Gangapurwala, J

Bench : Single Bench

Advocate : P.V. Barde, for the Appellant; S.V. Dankh, for the Respondent

Judgement

S.V. Gangapurwala, J.—Rule, Rule made returnable forthwith. With the consent of the learned Counsel for the respective parties, taken up for final hearing.

The present petitioners have filed Complaint [ULP] before the Labour Court. The preliminary issue with regard to the fairness of the enquiry was framed. It was held that the enquiry was fair and proper.

Aggrieved thereby the petitioners have filed Revision before the Industrial Court. The Industrial Court dismissed the Revision as not maintainable. Aggrieved thereby the present Writ Petition is filed.

Mr. Dankh, learned Counsel for the respondent submits that the Industrial Court was right in observing that the Revision is not maintainable. The learned Counsel relied on the Judgment of the learned Single Judge of this Court in the case of Maharashtra State Road Transport Corporation Vs. Nanuram Verma and Another, to submit that the Industrial Court could not have exercised the revisional jurisdiction.

2. This Court in Writ Petition No. 4693 of 2012 vide Judgment dated 21.8.2012 relying on the Judgment delivered by the Division Bench and the learned Single Judge of this Court in the case of Suryabhan Maruti Avhad v. Mahindra and Mahindra Ltd., so also The Dhule and Nandurbar Zilla Parishad v. Yuvraj Kalu

Patil, delivered in L.P.A. No. 109 of 2012 and the Judgment of the learned Single Judge of this Court in the case of Maharashtra State Road Transport Corpn. Vs. Abdul Usman Meboob Shaikh, has held that the Revision filed by party being aggrieved by the decision against the preliminary issue about the fairness of the enquiry under the M.R.T.U. and P.U.L.P. Act is maintainable.

3. In view of the above, the impugned Judgment and order is quashed and set aside. The Industrial Court shall decide the Revision afresh on its own merits after hearing the respective parties. The Writ Petition as such is disposed of, however with no order as to costs.