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Date of Decision	06-03-2026
Duration	2Years,1Months,18Days

BEFORE THE MEMBER, INDUSTRIAL COURT, MAH., AT PUNE**Revision Application (ULP) No.09 Of 2024**

(CNR No.MHIC120000502024)

Japfa Comfeed India Pvt. Ltd.,
91, Sakore Nagar, Viman Nagar,
Pune – 411 014.

..Revn. Applicant

V/s

Kashinath Jadhav
Shourya Homes Society, Munjaba Vasti,
Opp. Atria Soc., Tingre Nagar, Lane
No.13, Pune 411 015.

..Revn. Opponent

CORAM : D.M. Patil, Member

Appearances : Adv.Mr.V.S. Dhamankar for Revn. Applicant
Adv.Mr.V.H. Shekdar for Revn. Opponent

JUDGMENT(Date : 6th March 2026)

This revision application is directed against order on interim relief application at Ex.U-2 dt.11/10/2023 passed by learned First Labour Court, Pune in Comp.(ULP) No.60/2023. The learned Labour Court by the said order allowed the interim application of the opponent partly and stayed the effect of order of dismissal dt.24/07/2023 till the decision on preliminary issues.

2. Facts giving rise to the present revision in nutshell are as under-

The opponent was appointed as Senior Executive (Breeding) and according to applicant he was performing supervisory and

managerial function. During the course of his service the opponent committed serious misconduct. Accordingly, he was issued with charge sheet-cum-suspension order dt.12/10/2022 and regular departmental enquiry was conducted against him by appointing an independent Enquiry Officer viz. Adv.Mrs.Mukta Deshpande. However, the opponent did not co-operate in the enquiry and tried to create obstructions by filings baseless applications. He was also remained absent to the dates of enquiry on different pretext. According to applicant, the opponent was given reasonable opportunity in the enquiry. However, the opponent did not participate in the enquiry and did not lead any evidence. Therefore, finally his evidence was closed and enquiry was concluded. On the conclusion of enquiry, the opponent was issued with a show cause notice dt.04/07/2023 by supplying him copy of enquiry report and after taking into consideration his reply the applicant has issued dismissal order dt.24/07/2023 dismissing the opponent w.e.f. 26/07/2023. The opponent thereafter approached the learned First Labour Court, Pune and obtained ad-interim protection against the dismissal order. Thereafter both the parties were heard by the learned Labour Court and by impugned order on interim relief application dt.11/10/2023 the learned Labour Court pleased to stay the dismissal order dt.24/07/2023 till the decision on preliminary issue regarding 'workman'.

3. Being aggrieved by the said order, the present revision application is filed broadly on the grounds that,

The impugned order is erroneous, unjust and bad in law. The learned Labour Court committed gross error in coming to the conclusion that the adequate opportunity of defence was not provided to the opponent. The enquiry record shows otherwise which was not considered by the learned Labour Court. The learned Labour Court also committed gross error in concluding that opponent was not supplied with documents nor appreciated that demand of documents was vague and not specified. Even otherwise the learned Labour Court did not apply test of prejudice in the present case and thereby committed grave error. The learned Labour Court also did not see the seriousness of misconduct committed by the opponent and also did not see the reasons which compelled the Enquiry Officer to conduct ex-parte enquiry. Therefore, the applicant has prayed to quash and set aside the order dt.11/10/2023 passed by learned Labour Court on interim application at Ex.U-2 in Comp.(ULP) No.60/2023.

4. Considering grounds of revision, following points arise for my determination and I record my findings alongwith reasons thereon as under -

Points	Findings
1) Whether there is error apparent on the face of record in the impugned Order on Ex.U-2 dated 11/10/2023 passed by learned Judge, Labour Court No.1, Pune in Complaint (ULP) No.60/2023 ?	In the Negative
2) Whether interference is warranted at the hands of this Court ?	In the Negative
3) What Order ?	As Per Final Order

Reasons

5. **As to Point Nos.1 to 3** :- Heard learned advocate Mr.V.S. Dhamankar for the revision applicant learned advocate Mr.V.H. Shekdar for revision opponent. Perused record and proceeding called from the learned Labour Court. On perusal of impugned order it reveals that the learned Labour Court has framed preliminary issue of 'workman' and decided to entertain and determine the said issue first. The learned Labour Court meanwhile allowed the interim application and effect of dismissal order dt.24/07/2023 was stayed till the decision of preliminary issue.

6. It is material to note that the order observes the various duties of the opponent but recorded that prima-facie no material is placed on record to show that pre-dominant nature of duties of complainant are out of definition of given under Industrial Disputes Act, 1947. Therefore, the learned Labour Court has concluded that on mere statement it cannot be held that the learned Labour Court has no

jurisdiction. At the same time, the learned Labour Court has observed that in order to decide the issue of workman/employee there will be requirement of detailed oral and documentary evidence. If that is so, it was not expected on the part of learned Labour Court to come to the conclusion even prima-facie that the opponent was a workman. When the learned Labour Court was dealing with the aspect of interim application and determined to frame the issue of workman as preliminary issue, it was expected to keep its hands away from dealing with the issue of workman.

7. The learned Labour Court further observed that admittedly detailed departmental enquiry was conducted against the opponent for the charges levelled in the charge sheet. It is also observed that the enquiry was conducted ex-parte, demanded documents were not provided and hence he did not participate in the enquiry. It is further observed that from the material on record it appears that the opponent was not present during the enquiry and notice about further dates of the enquiry alongwith enquiry papers were returned unserved. Therefore, the learned Labour Court came to the prima-facie conclusion that the opponent could not get adequate opportunity to defend himself. The learned Labour Court also considered from the material on record that the Enquiry Officer held the charges Nos.1,2 and 6 to 9 are proved whereas charge Nos.3 to 5 and 10 and 11 are not proved. According to learned Labour Court the

proved charges are not so grave to attract punishment of dismissal. The learned Labour Court has taken into consideration the Judgments of Hon'ble High Court in the case of **Vinod Pattar v/s EIH Ltd. and Ors. (2022 II CLR 49)**, **Dhanraj v/s Divisional Controller, MSRTC (2020 I CLR 566)**, **Nanded Waghala City Municipal Corporation v/s Keroji Sitaram Dasare (2015 SCC Online 6817)** and **Zilla Parishad, Jalgaon v/s Maya Tukaram Sonawane (2015 SCC Online 8359)**. However, distinguished the said Judgments stating that they are delivered on different set of facts, hence cannot be applied to the case in hand.

8. Here in this case also, the applicant has relied upon following Judgments -

- (i) **Tutul Kumari Sen v/s State of Jharkhand and Anr. (2009 AIR SC 2547)**
- (ii) **Chandrama Tewari v/s Union of India (Through General Manager Eastern Railways) (1988 AIR 117)**
- (iii) **Rajkumar s/o Ramnath Navandar v/s Jaimala w/o Rajkumar Navandar (Criminal Writ Petition No.864/2016 Dated 9/12/2022- Hon'ble Bombay High Court- Aurangabad Bench)**
- (iv) **State of A.P. v/s Yelamati Venkaataraju (2001 SCC 10 728)**
- (v) **Ashok Rambhaji Tupe v/s MSRTC (2016 ALL MR 6 630)**
- (vi) **Pallavi Shriram Disle v/s State of Maharashtra (2015 FLR 146 1032)**
- (vii) **Aligarh Mulsim University and Ors. v/s Mansoor Ali Khan (2000 AIR SC 2783)**

On perusal of the aforesaid Judgments, it can be seen that all

these Judgments are on the point of legality of enquiry which can be very well considered at the time of deciding the aspect of legality of enquiry. The Judgment of Hon'ble Bombay High Court in the case of *Ashok Tupe (supra)*, it is held that if the departmental enquiry is conducted the same should not be lightly interfered and only when strong prima-facie case is made out by the complainant appropriate interim orders intercepting such enquiries should be passed and such orders should not be passed on mere askance. I have also considered the order of learned Labour Court in the present matter in the light of observations of the Hon'ble High Court in the aforesaid case and found that learned Labour Court has given reasoning for granting the interim relief which cannot be said to be lightly interference in the enquiry. Therefore, the Judgments relied upon by the applicant are of no help.

9. At this prima-facie stage, when the learned Labour Court came to the prima-facie conclusion that a strong case has been made out by the opponent employee based on material on record, it is not expected on the part of this court to re-appreciate the said facts and set aside the order just because another view is possible. It is an admitted position of law that this court is having limited jurisdiction u/s 44 of the MRTU & PULP Act, 1971 which is akin to Article 227 of Constitution of India. Hence this court is not supposed to rescan all the facts and record and to interfere in the order, unless and until it is

shown that there is error apparent on the face of the record. From the record and proceeding itself it is seen that the learned Labour Court has framed the issue of status of opponent as a 'workman' as preliminary issue and matter has been fixed for leading evidence thereon. It is also admitted fact that the learned Labour Court has only granted interim protection till the decision on preliminary issue. Therefore, there is no necessity to unsettle the said position by setting aside the said order. I therefore, answer point Nos.1 and 2 in the negative and in answer to point No.3, I proceed to pass the following order.

Order

- (i) Revision application stands rejected.
- (ii) Record and proceeding be sent back to the learned Labour Court No.1, Pune.
- (iii) Parties to appear before the learned Labour Court on 24/03/2026.
- (iv) In the circumstances the learned Labour Court is requested to expedite the hearing of preliminary issue and to decide it within the period of six months from today without being influenced either by observations of this court in this order or by the observations of learned Labour Court in the order on interim application at Ex.U2.
- (v) No order as to cost.

Pune.

Date : 6th March 2026.

(D.M. Patil)
Member
Industrial Court, Pune

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Revn.(ULP) No.09/2024
Judgment../

Argued on	13/02/2026
Judgment dictated	06/03/2026
Judgment transcribed on	09/03/2026
Judgment checked & Signed on	12/03/2026