

MHIC360001002025



Presented on : 27-10-2025

Registered on : 27-10-2025

Decided on : 06-03-2026

Duration : 0 years, 4 months, 10 days

Exh. No. O-5

IN THE INDUSTRIAL COURT, MAHARASHTRA,
(BHANDARA BENCH), BHANDARA.

REVISION APPLICATION (ULP) NO. 23/2025

(CNR NO. - MHIC360001002025)

01. Sarpanch,
Gram Panchayat Indurkha,
At – Indurkha, Tah. & Dist. Bhandara.
02. Secretary,
Gram Panchayat Indurkha,
At – Indurkha, Tah. & Dist. Bhandara. **APPELLANTS**

- V E R S U S -

01. Pralhad Totaba Pudke,
Aged about 56 years, Occ. : Labour,
R/o Indurkha, Tah. & Dist. Bhandara.
02. Block Development Officer,
Panchayat Samiti Bhandara,
Tah. & Dist. Bhandara. **RESPONDENTS**

IN THE MATTER OF REVISION APPLICATION UNDER SECTION 44 OF THE MAHARASHTRA RECOGNITION OF TRADE UNIONS AND PREVENTION OF UNFAIR LABOUR PRACTICES ACT, 1971.

CORAM : **Kishore M. Jaiswal**, Member,
Industrial Court, Bhandara.

Appearance : Mr. V. A. Bhoyar, Advocate for the applicants.
Mr. T. S. Singhade, learned Advocate for respondent no.1.
None for respondent no. 2 (ex parte).

J U D G M E N T

(Delivered on 6th day of March, 2026)

This revision is filed by the appellants / original respondents no. 2 & 3 under Section 44 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practice Act, 1971 (here-in-after referred as “the M. R. T. U. and P. U. L. P. Act”) for setting aside the judgment and order passed by the learned Labour Court, Bhandara in Complaint (ULP) No. 09/2023 dated 30/09/2025. (The parties hereinafter shall be referred to as per their original status before the learned Labour Court).

02. Perused revision petition. My learned predecessor has issued notice to the respondent / original complainant, and the respondent has appeared, and the matter has been heard.

03. For the purpose of deciding this revision, the record & proceedings of the complaint before the learned Labour Court were called for. I have gone through the complete papers and documentary evidence put up before the learned trial Court.

FACTUAL MATRIX

04. The complainant Pralhad T. Pudke preferred a complaint before the learned Labour Court, Bhandara with an allegation that unfair labour practice is being committed on the part of the respondents by terminating his services. The complainant was serving on the post of Gram Rojgar Sevak, and he was appointed in view of Gramsabha dtd. 06/01/2007 in pursuant to the Govt. resolution dtd. 02/05/2011. The complainant has got appreciation certificate in the year 2013. Upon general notice by the respondents, the Gramsabha was held on 12/10/2021, wherein one of the agenda was about the termination of services of the complainant on the allegation that action was taken against him by Anti Corruption Bureau. The Gramsabha has passed a resolution about his termination, and accordingly, in place of the complainant, another person by the name Chetan Ramesh Bondre was appointed.

05. Before the trial Court, both parties have led evidence, and thereafter, the learned Labour Court partly allowed the complaint and the respondents were directed to reinstate the complainant with continuity of service and 50% of back wages from the date of termination. The said judgment and order are under challenge in the present revision.

06. Upon rival submissions of both parties, the following points arise for my determination, and I have recorded my decision against it for the reasons stated below :-

POINTS FOR DETERMINATION

DECISION

01. Whether the impugned judgment and order passed in Complaint (ULP) No.

09/2023 dtd. 30/09/2025 by the learned Labour Court, Bhandara suffers from legal infirmity or any error apparent on the face of record and warrants interference ? In the affirmative.

02. What order ? As per final order.

REASONS

07. Section 44 of the M.R.T.U. & P.U.L.P. Act confers only supervisory jurisdiction on this Court. The scope for assessing the correctness or otherwise of the judgment of the Labour Court being quite limited re-appreciation of the evidence adduced by the parties is not permissible nor simply because some other view is possible the view taken by the learned Labour Court can be brushed aside. It is, in the backdrop of such limited jurisdiction to be seen whether the impugned orders suffer from any error or perversity.

08. Heard learned Advocate Mr. V. A. Bhoyar Bade for the applicants / original respondents no. 2 & 3 and learned Advocate Mr. T. S. Singhade for the respondent no. 1 / original complainant at length. I have carefully gone through the record and proceedings. Having regard to submissions advanced at bar by the parties and based on the record available before this Court, I am answering the aforesaid points.

AS TO POINTS NO. 1 & 2 :-

09. In order to avoid repetitions, both points are taken up together for discussion.

10. At the outset, it is not disputed that whatever termination order challenged was passed by the Gramsabha. On perusal of the record, the Gramsabha is not made a party respondent to the original complaint. Not only that, in place of the complainant, the Gramsabha vide its resolution has appointed one Chetan Bondre as a Gram Rojgar Sevak. Again, this Chetan Bondre was not a party defendant to the original complaint. It would be opposite at this stage to reproduce prayer clause nos. 3 & 4 of the original complaint, which reads as under :-

(3) That, it be declared that the Gramsabha meeting held on 18/10/2021 is null and void, and the resolution passed in such meeting is not binding upon the complainant in view of letter issued by the respondent no. 1 on dtd. 09/05/2021 and also declared resolution passed in such meeting has no binding force.

(4) It be declare that special meeting held on 16/03/2023 appointing new person in place of complainant is illegal, mala fide having no binding force in the eye of law (underline emphasis supplied).

11. On careful perusal of those prayer clauses, it states about appointment of complainant and removal of Chetan Bondre as the complainant intends for declaration of meeting dtd. 16/03/2023 appointing Chetan Bondre to be illegal and with mala fide intention. It is not disputed that in place of the complainant, another person, Chetan bondre is appointed as Gram Rojgar Sevak. In consonance with prayer clauses 3 & 4, Chetan Bondre ought to have been made a party to original complaint, and he should also have been given a chance of hearing. May be that Chetan Bondre is not a “necessary party”, but certainly he comes within the purview of “proper party” as said declaration is going to affect his right. These aspects were not considered

by the learned trial Court and the findings given in the absence of Gramsabha and Chetan Bondre being party respondent, certainly legal infirmity was committed and it is an error apparent on the face of record committed by the learned trial court and the findings given therein is not legal and valid one.

12. Learned Advocate Mr. V. A. Bhoyar vehemently argued before me that upon the Govt. resolution dtd. 02/05/2011 regarding appointment of Gram Rojgar Sevak certain guidelines are laid down wherein only in Gramsabha such appointment of Gram Rojgar Sevak is done. This fact is not disputed and even the complainant has deposed that his appointment was by virtue of Gramsabha dtd. 16/01/2007 and the resolution clarifies that the Gramsabha is the only competent authority to terminate the service of the complainant by giving an opportunity of hearing. I, therefore, find substance in the argument advanced by the learned Advocate Mr. V. A. Bhoyar for the appellants / respondent nos. 2 & 3 that when appointment and termination powers lie with the Gramsabha, and a declaration is sought, certainly the Gramsabha was a necessary party to the original complaint.

13. Per contra, Mr. T. S. Singhade, learned Advocate for the complainant, strenuously urged before me that the meeting is being called for Gramsabha by Sarpanch and Secretary, and they are made party respondents, therefore, there is no need for Gramsabha to be added as a party as a respondent to the complaint. Upon going through the record and documents placed on record, it clarifies that the Sarpanch is only calling Gramsabha, and in fact decision of appointment and termination is being taken by the Gramsabha. This shows that

Gramsabha is a necessary party and the declaration is being sought about this resolution, which includes termination of the complainant and appointment of a new person Chetan Bondre certainly minutes of the meeting and discussion therein were done in Gramsabha, and therefore, Gramsabha also becomes a necessary party. These aspects were not considered by the learned trial Court and findings given in the absence of Gramsabha being a party, certainly an error apparent on the face of the record.

14. From the evidence placed before the learned trial Court, the resolution, which was challenged is of 18/10/2021 and the complaint was filed before the learned trial Court on 25/04/2023. However, upon going through the record, a preliminary objection is taken that the Court ought to have considered two main issues, firstly, whether the relationship as that of employer and employee exists between the complainant and respondents and secondly, of that whether the complaint is within limitation. Neither issues are framed to that effect nor findings were given. Therefore, without considering these aspects, the Court failed to consider issues of law, and therefore, the findings which is given by the trial Court certainly warrant interference.

15. It is also matter of record that simultaneously the complainant has challenged the resolution before the District Collector, Bhandara and on careful perusal of the judgment, the trial Court has merely stated about definition of workman and industry, but how the relationship exists between the complainant and respondent as that of employee employer exists is not considered and no reasons are mentioned as to how that relationship exists. Therefore, the findings of

the learned trial Court suffers from an error apparent on the face of the record.

16. Learned Advocate Mr. V. A. Bhojar has drawn my attention to the Govt. resolution dated 02/05/2011, which clarifies that only Gramsabha is empowered to appoint and terminate the services of the Gram Rojgar Sevak. It would be opposite to reproduce para no. 2 of the said Govt. resolution as follows :-

“२. नियुक्ती प्राधिकारी

- अ) ग्राम रोजगार सेवकांच्या सेवा उपलब्धते संदर्भात ग्राम सभा (ग्रामपंचायत नव्हे) निर्णय घेईल.
- ब) त्याला काढून टाकण्याच्या संदर्भात ग्रामपंचायत किंवा सरपंच यांना निर्णय घेण्याचा अधिकार नसून केवळ ग्रामसभेस त्याबाबत निर्णय घेण्याचा अधिकार असेल.
- क) ग्रामपंचायतीचे पदाधिकारी बदलले तरी ग्राम रोजगार सेवक बदलू नये.
- ड) सबळ कारणावरून ग्राम रोजगार सेवकाला काढून टाकण्यापूर्वी त्याला नैसर्गिक न्यायानुसार ग्रामसभेत त्याचे म्हणणे मांडण्याची संधी द्यावी आणि त्याबाबत ग्राम सेवकाचे अभिप्राय घ्यावेत.
- ई) गट विकास अधिकारी, विस्तार अधिकारी (ग्रामपंचायत) किंवा तत्सम अधिकारी यांनी त्यांना नियुक्तीचे आदेश देऊ नयेत.”

17. Above Govt. resolution clarifies that the Grampanchayat is neither an appointing nor a terminating authority, but it is only the Gramsabha, who can do it. The respondent Sarpanch and Secretary are only empowered to call the Gramsabha. The learned trial Court also ought to have appreciated that in view of said Govt. resolution “Grampanchayat” is not “Gramsabha” and same is not considered in a correct perspective, and therefore, the findings of the learned trial Court

need interference. All decisions regarding Gram Rojgar Sevak lie with Gramsabha.

18. It is an admitted fact that Anti Corruption Bureau has initiated action against the complainant, and criminal proceedings are subjudiced before the Special Court, Bhandara. In para no. 18 of the judgment, the learned trial Court has observed that the complainant ought to have been given an opportunity to present his view in the Gramsabha and further observed that the Gramsabha is not a Grampanchayat. There are further observations that the Secretary was not present in the Gramsabha, and the respondent witness has admitted that, upon directions of the Block Development Officer, the Gramsabha was held. Simultaneously, the application was also made to the Collector, Bhandara, and when there are observations that hearing is to be given before the Gramsabha, then certainly what exactly has happened in Gramsabha would be a matter of evidence and only when Gramsabha will be allowed to lead evidence to that effect. Considering all these facts, the impugned judgment is not a legal and valid one and suffers from an error apparent on the face of the record. Therefore, I find that the order passed by the learned trial Court suffers from legal infirmity and error apparent on the face of the record. I, therefore, answer point no. 1 in the affirmative.

19. In view of the above circumstances, it is necessary to remit the matter back to the learned trial Court, where the complainant shall take appropriate steps by adding Gramsabha and Chetan Bondare as party respondents to the original complaint and said complaint needs to be decided afresh. As a result, I pass the following order.

ORDER

01. The revision application is hereby allowed.
02. The impugned judgment and order dtd. 30/09/2025 passed in Complaint (ULP) No. 09/2023 by the learned Labour Court, Bhandara, is hereby quashed and set aside.
03. The original record and proceeding along with a copy of this order be sent to the learned Labour Court, Bhandara immediately.
04. The parties are hereby directed to appear before the learned Labour Court, Bhandara on 02/04/2026 and shall take steps regarding observations made in this order.
05. No order as to costs.

BHANDARA.

Date :- 06/03/2026.

Argued on : 05/03/2026
Dictated on : 06/03/2026
Typed on : 06/03/2026
Checked & Signed on : 07/03/2026.
MSH/-

(Kishore M. Jaiswal)
Member,
Industrial Court, Bhandara.