MPBalekar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15589 OF 2025

Vikas Shivaji Bhosale … Petitioner
V/s.
Valmont Structure Pvt. Ltd. … Respondent

Nitin A. Kulkarni for the petitioner.
A.R. Avachat a/w S.H. Deshpande for the respondent.

CORAM : AMIT BORKAR, J.

DATED : APRIL 17, 2026

P.C.:

1. The petitioner has brought challenge to the judgment and order dated 28 April 2025 passed in Reference (IDA) No. 1 of 2022 by the Labour Court at Pune. The Labour Court has answered the reference in negative.

2. The reason which is seen from the record is that the Labour Court formed an opinion that no proper reference proceedings were received from the office of the Deputy Commissioner of Labour. It further appears that the Labour Court noticed that the proceedings were directly filed before it by the petitioner himself. On such basis, the Labour Court has chosen not to enter into the merits of the dispute. It has not examined the factual controversy. It has also not decided the issues which were otherwise required to be adjudicated. In that sense, the approach adopted by the Labour Court shows that it has declined jurisdiction at the threshold stage

itself. Such refusal is not on appreciation of evidence but on technical understanding of how the proceedings came before it. This aspect assumes importance because the entire adjudication has been shut out without testing the claim of the workman.

3. Upon consideration of the material and the statutory position, it appears that the view taken by the Labour Court does not properly align with the scheme of Section 2A(2) of the Industrial Disputes Act, 1947. The said provision begins with a non obstante clause. This overrides the usual requirement of a formal reference by the appropriate Government. The intention of legislature is seen to give a direct remedy to a workman in cases of individual dispute relating to discharge, dismissal or termination. The provision permits the workman to approach the Labour Court or Tribunal directly, after expiry of forty five days from the date of making application before the Conciliation Officer. Once such condition is satisfied, the Labour Court is vested with full jurisdiction. It can adjudicate the dispute as if it is a reference made under Section 10 of the Act. Therefore, the source from which the proceedings reach the Court loses its strict technical importance. What becomes relevant is whether the statutory requirement under Section 2A(2) is fulfilled.

4. It appears that the Labour Court has not examined whether such pre-condition was satisfied by the petitioner. There is no discussion whether the petitioner had approached the Conciliation Officer and whether the prescribed period had expired. Without undertaking this necessary inquiry, the Labour Court has proceeded to reject the reference only on the ground that it was

not routed through the Deputy Commissioner of Labour. Such approach, in my view, reflects a narrow reading of the statute. It defeats the very object of Section 2A(2), which is to avoid delay and technical hurdles in raising industrial disputes of individual workman. When the law itself permits direct approach, the insistence on a formal governmental reference becomes unnecessary. Because of this incorrect understanding, the Labour Court has failed to exercise jurisdiction which was otherwise vested in it.

5. In these circumstances, the impugned order cannot be sustained in law. The matter requires reconsideration on merits. The Labour Court must examine the dispute fully, after giving opportunity to both sides, and after framing and deciding necessary issues. Hence, the following order is passed.

i. The impugned judgment and order dated 28 April 2025 passed in Reference (IDA) No. 1 of 2022 is quashed and set aside.

ii. The proceedings are remitted back to the Labour Court, Pune. The Labour Court shall treat the matter as a reference under Section 10 of the Industrial Disputes Act, 1947 and decide the same on its own merits, after granting full opportunity of hearing to both parties.

iii. The parties shall appear before the Labour Court, Pune on 4 May 2026 at 11.00 a.m.

iv. The Labour Court shall make an endeavour to decide the reference within a period of one year from the date of

appearance of the parties.

6. In view of the aforesaid discussion and directions, the writ petition stands disposed of.

(AMIT BORKAR, J.)