

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

WRIT PETITION NO.2243 OF 2015.

(STATE OF MAH. THR. ITS DEPT OF FOREST & OTH...VS..INDUSTRIAL COURT & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : JUNE 17, 2015.

Heard Mr. K.N.Shukul, the learned advocate for
the petitioners and Mr.S.W.Sambre, the learned advocate for
the respondent No.3.

The learned advocate for the petitioner has
submitted that the Forest Department cannot be said to be an
'industry' as contemplated by Section 2(j) of the Industrial
Disputes Act, 1947. It is submitted that the subordinate
Courts have committed an error in entertaining and deciding
the grievance of the respondent No.3. The petition raises
arguable points.

RULE.

However, considering the concurrent findings
recorded by the subordinate Courts on merits of the matter, I
am not inclined to grant blanket interim order in favour of the
petitioners.

It is directed that the petitioners shall reinstate
the respondent No.3 as per the impugned order. If the
respondent No.3 is reinstated within one week, the directions

given by the subordinate Courts regarding payment of back wages to the respondent No.3 shall not be executed and instead the petitioner shall deposit the entire amount with the Registry of this Court within two months. If the amount is deposited within two months it shall be kept in fixed deposit in a nationalized bank.

If any of the directions given above are not complied with the interim order shall stand vacated and the respondent No.3 shall be at liberty to proceed with the execution.

Mr. S.W.Sambre, the learned advocate waives notice for respondent No.3, Mr. N.S.Khubalkar, the learned A.G.P. waives notice on behalf of the respondent Nos. 1 and 2.

Mr. Sambre, the learned advocate for respondent No.3 submits that if the directions of this Court are complied with by the petitioners the respondent No.3 will not press the contempt application filed by him before the Labour Court.

JUDGE