

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 6807/2019

Managing Director, The Central Co-Operative Bank Limited,
Bhilwara (Raj.0.

-----Petitioner

Versus

Yasmin Bano W/o Imran Ansari, Resident Of Momin Mohalla,
Near Mhatama Gandhi Hospital, District Bhilwara. (Raj.).

-----Respondent

For Petitioner(s) : Mr. Navdeep Dadhich.
For Respondent(s) :

HON'BLE MR. JUSTICE ARUN BHANSALI

Order

20/05/2019

It is submitted by learned counsel for the petitioner that it was the specific case of the petitioner before the Labour Court that there was no employer employee relationship between the petitioner and the applicant before the Labour Court, however, the Labour Court, while dealing with the application filed by the petitioner pertaining to the jurisdiction of the Labour Court, has recorded the finding regarding the applicant before the Labour Court being employee of the petitioner-Institution for the purpose of holding that the dispute could be adjudicated before the Labour Court.

Alternatively, it is submitted that in terms of proviso to Section 58(1)(e) of the Rajasthan Cooperative Societies Act, 2001 ('the Act'), as the applicant before the Tribunal is not employees, the proviso would have no application.

Further submissions have been made that the Labour Court has relied on the judgment reported at 2016(1) DNJ (Raj.) 220, wherein admittedly the workman therein was governed by the Service Conditions, which is not the case in the present matter.

Reliance has also been placed on *Maharashtra State Cooperative Housing Finance Corporation Ltd. v. Prabhakar Sitaram Bhadange* : AIR 2017 SC 1647.

In view of the submissions made, issue notice. Issue notice of the stay application also, returnable within three weeks.

Notices when issued be given 'dasti' to learned counsel for the petitioner.

In the meanwhile and till the next date, further proceedings before the Labour Court in Labour Dispute No.51/2016 shall remain stayed.

(ARUN BHANSALI),J

83-sumit/-

