



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 64 OF 2023

Arun s/o Hastimal Firodiya
Age: 77 years, Occu: Business
R/o Kinetic Engineering Ltd.,
D-1 Block, Plot No. 18/2
MIDC, Chinchwad, Pune 411 019

... **Petitioner**
(Ori. Accused
No.3)

VERSUS

1. The State of Maharashtra
2. Ramrao Hanumantrao Kandekar
Age 77 years, Occu: Agri.
R/o Nepti,Tq. & Dist. Ahmednagar

... **Respondents**
(R-2/employee)

Mr. Rajendrraa Deshmukkh, Senior Advocate a/w Ms. Rakshanda Rajan
Jaiswal i/by Mr. Vishal Chavan, Advocate for the Petitioner,
Mr. S. M. Ganachari, APP for Respondent No.1 State
Mr. V. P. Golewar, Advocate for Respondent No.2

CORAM : Y. G. KHOBRADE, J.

RESERVED ON : 10.03.2025

PRONOUNCED ON : 27.03.2025

JUDGMENT:-

1. At the outset it is to be mentioned that, on 06.02.2025, during the course of argument, Mr. Rajendrraa Deshmukkh, the learned senior counsel appearing for the Petitioner and Mr. V. P. Golewar, learned counsel for respondent No.2 jointly made the statement about amicable settlement of dispute between the parties. In pursuance of said statement, the Petitioner/Chairman of the Industrial Establishment and employer of

Respondent i.e. Kinetic Engineering Ltd., tendered offer at Exh. 'X'. The Respondent No.2/ Employee tendered his offer at Exh. 'Y'. As per offer Exh. 'X' submitted by the petitioner, the respondent No.2 employee is entitled for monetary benefits arising out of his service to Rs.10,30,000/-, whereas, the respondent No.2/ employee submitted his offer Exh. 'Y' and claimed that, he is entitled for monetary benefits of Rs.29,81,686/-. On enquiry, both the parties declined to negotiate the offers and fairly stated that they do not wish to settle the dispute. As such, matter is heard on merit.

2. **Rule.** Rule made returnable forthwith and by consent of the parties, heard both sides finally at the admission stage.

3. By the present Petition, the Petitioner takes exception to the order dated 17.11.2022 passed by the learned Member, Industrial Court, Ahmednagar, in Revision (ULP) No.5 of 2022, thereby upheld the order of issuance of process passed by the learned Judge, Labour Court, Ahmednagar, on 06.08.2022, in Criminal Complaint (ULP) No. 9 of 2020 for non implementation of Judgment dated 29.11.2019 passed by the learned Labour Court in Complaint (ULP) No. 57 of 1998.

4. In nutshell, facts giving rise to present petition are that,

respondent No.2/complainant was in service of Kinetic Engineering Ltd., (for short, hereinafter it would be referred to as “Industrial Establishment”) as Machinist. The Respondent No.2 was served with charge sheet on 30.01.1997 for his alleged misconduct. After domestic enquiry, the respondent No.2 was dismissed from service vide order dated 08.05.1998. Being aggrieved by order of dismissal, respondent No.2 filed Complaint (ULP) No. 57/1998 before the learned Labour Court, Ahmednagar. On 29.11.2019, the learned Judge, Labour Court passed the Judgment in Complaint (ULP) No. 57/1998 and allowed said complaint declaring that, the order of dismissal passed on 08.05.1998 by the employer amounts to unfair labour practice contemplated under Item 1(a), (b), (c), (d), (f) and (g) of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short, the MRTU & PULP Act).

5. Being aggrieved by said Judgment, the employer/Industrial establishment had filed Revision Petition (ULP) No. 4 of 2020 before the Industrial Court. On 14.12.2021, the learned Member, Industrial Court, passed the Judgment in Revision petition (ULP) No. 4 of 2020 and upheld Judgment dated 29.11.2019 passed by the learned Labour Court in Complaint (ULP) No. 57 of 1998. Being aggrieved by both the Judgments, the Employer/Industrial Establishment filed Writ Petition No.11899 of

2022 before this Court. On 12.01.2022, this Court passed an order in Writ Petition No.11899 of 2022 and issued “Rule”. However, this Court declined to grant interim stay to the effect and operation of Judgment dated 14.12.2021 passed by the learned Industrial Court. The said petition is pending for final decision. Thereafter, the respondent No.2 filed the Criminal Complaint (ULP) No. 9 of 2020 under section 48(1) of the MRTU & PULP Act and prayed for taking criminal action against the Respondents for non implementation of Judgment passed by the learned Labour Court.

6. The Respondent no. 2 alleged that, his employer/Industrial Establishment failed to comply with Judgment dated 29.11.2019 passed by the learned Labour Court in Complaint (ULP) No. 57/1998 despite no stay is in operation for implementing judgment dated 29.11.2019 and issued notice on 06.01.2020 calling upon the accused i.e. General Manager/Manager/Vice President/Managing Director/President for complying with Judgment passed by the learned Labour Court. The Accused No.1 General Manager, the Industrial Establishment served with the notice but failed to comply with notice. The Notice of Accused No.2 Vice President/Managing Director and Accused No. 3 President returned back with postal endorsement ‘unclaimed’. Therefore, the Accused No.2 and Accused No.3 are deemed to be served within the meaning of Sec. 27 of the General Clauses Act,1897.

7. On 11.02.2021, the learned Judge, Labour Court recorded verification and testified contents of the complainant under Section 48(1) of the MRTU & PULP Act. On 06.08.2022, the learned Labour Court passed the order and issued process against Accused No.1 Dattatray Marutrao Nawale, the General Manager, Accused No.2 Mr. Ajinkya Arun Firodiya, the Vice President/Managing Director and Accused No.3 Mr. Arun Hastimal Firodiya, the Chairman /President (present petitioner) for the offence under Section 48(1) of the MRTU & PULP Act.

8. Being aggrieved by order of issuance of process, the Petitioner/accused No.3 filed Revision (ULP) No. 5 of 2022 questioning order of issuance of process. On 17.11.2022, the learned Member, Industrial Court, Ahmednagar, passed the impugned judgment and dismissed said Revision. Being aggrieved by said judgment, the Petitioner/Accused No.3 Arun Hastimal Firodiya, the President of Industrial Establishment has instituted the present petition and set out following grounds:

- (i) The learned Member, Industrial Court could have held that there is nothing on record to show the present petitioner is responsible for a compliance of the order dated 29.11.2019 passed by the learned Labour Court in Complaint (ULP)No.57/ 1998.
- (ii) The learned Member Industrial Court could have observed that

since 1998 till institution of the petition, several proceedings were initiated by the respective parties against each other and to none of the petition or proceeding, the present petitioner is party also, nothing has been brought on record to show the bonafide intention of respondent No.2 to implead the petitioner as an accused.

- (iii) The learned Member Industrial Court could have observed that respondent No.2 also lodged complaint against the Managing Director of the Industrial Establishment therefore, it ought to have held that as per provisions of Section 2(n) of the Factories Act, 1948, the occupier is responsible for day to day affairs of the Industrial Establishment. Therefore, the order for issuance of process against the Chairman of the Industrial establishment is not legal and proper.
- (iv) There is no averment in the complaint that the present petitioner is responsible for the compliance of the order passed by the learned Labour Court, which is essential ingredient for issuance of process under section 48(1) of the MRTU & PULP Act. However, the learned Courts below have failed to consider the legal prepositions of law.
- (v) The learned Member, Industrial Court ought to have observed that the Industrial Establishment had filed Writ Petition No. 11899/2022 challenging the judgment and order dated 14.12.2021 passed in Revision petition (ULP) No. 4 of 2020 arising out of judgment and order dated 29.11.2019 passed in Complaint (ULP) No. 57/1998 and the fact of pendency of the said petition is well within the knowledge of respondent No.2,

however, respondent No.2 employee has filed criminal proceedings under Section 48 (1) of the MRTU & PULP Act, just to harass the Petitioner/accused No.3 President of the Industrial Establishment who is old aged person and suffering from various ailments.

9. Mr. Rajendraraa Deshmukkh, the learned Senior counsel appearing for the petitioner canvassed that, the petitioner was not party before the learned labour Court in complaint (ULP) No. No. 57/1998, however, the Accused no. 2 is the occupier of Industrial Establishment within the meaning of Section 2(n) of the Factories Act, 1948, therefore, he is responsible for day to day affairs of the Industrial Establishment. Therefore, order for issuance of process against the petitioner/accused Chairman of the Industrial establishment is not legal and proper.

10. In support of these submissions, the learned Senior Counsel appearing for the Petitioner relied on the following case laws:

(I) Judgment dated 29.10.2021 passed in SLP (Cri.) No.3913/2020, ***Dyale Desouza Vs. Government of India***, wherein the Hon'ble Supreme Court held that a company being a juristic person cannot be imprisoned and it can be subjected to a fine which, in itself is a punishment. Every punishment has an adverse consequence and therefore, the prosecution of the Company is mandatory. The exception would

possibly be when the company has itself been ceased to exist or cannot be prosecuted due to a statutory bar. However, such exceptions are of no relevance in the present case. Thus, the present prosecution must fail for this reason as well.

(II). ***Madhav Ramkrishna Chitniss Vs. State of Maharashtra LAWS (BOM) 1998-9-100***, wherein issue was under consideration that, whether the accused Nos. 1 to 14 therein could be attributed with knowledge of the interim order when they were not parties to the first complaint? Under these circumstances, this Court observed in paragraph Nos. 17, 25 and 32 as under:

"(17.) UNLESS, therefore, it can be established that Accused Nos. 1 to 14 are to be held liable because they are the Directors of the Company of that the orders were against them, in my opinion, there cannot be any question of being held responsible criminally.

(25) IN this background, so far as the petitioners are concerned, except for the fact that they happened to be the Directors of the company, there is no question of they having the knowledge of the order passed by way of interim relief in the first compliant and, therefore, the act on their part can not be related to the so called knowledge when it was sought to be imputed only on the strength of they being Directors. Certainly this can not be accepted.

(32) THE net result is, therefore, that the complaint of breach can be filed against the person to whom the order is served. Unless it is shown that the persons, who were allegedly committed breach of an order, were served with the order or whether they are made aware of

the order and, therefore, are said to be made answerable for the wilful disobedience thereof, there can not be a compliant on the basis of deeming fictions which is sought to be raised on the basis of they being directors."

(III) ***Indian Tourism Development Corporation & others Vs. Presiding Officer, 9th Labour Court, Mumbai and another, 2009(5) Mh.L.J. 493***, wherein the Coordinate Bench of this Court held that, unless interim orders are served personally, no action for contempt can be initiated against persons concerned. So, the order for issuance of process has to be passed after proper application of mind as laid down in case of ***State of Haryana and others Vs. Ch. Bhajan Lal and others, AIR 1992 SC 604 and M/s Pepsi Foods Ltd. and another Vs. Special Judicial Magistrate and others, 1998 (1) Mh. L.J (SC) 599***.

(IV) ***S. S. Industries and Enterprises Ltd. Vs. Rajendra N. Gurav, Mumbai***, wherein the Coordinate Bench of this Court considered Rule 96(a) of the Labour Courts (Practice and Procedure) Rules, 1975 and Section 39 of the MRTU and PULP Act and observed as under:

"(6) Section 39 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair labour Practices Act, 1971 provides three categories of persons who are competent to file criminal complaint against the persons who commit offence under section 48(1) of the said Act. The person affected would be category No. 1. The person means a body of individual, also unrecognised union can be complainant under the cover of body of individual and as said, it has a

right to institute a criminal complaint taking recourse to section 39 of the said Act. In the present proceedings, the respondent No. 2, by virtue of application made by 16 employees under Order I, Rule 8 of C.P.C. has made an application to the Industrial Court. The complainant did not satisfy his role in the matter nor he figured in those employees, complaint could not have been attended to without other employees being informed or specific leave of the Court is obtained. Explanation in complaint by respondent No. 1 is without legal base. Personal execution can only be taken by party on record.

(7) In the criminal complaint by respondent No. 1 in paragraph 1 he refers of Noel Monteiro, being authorised person to file the proceedings in representative capacity. In paragraph 9, it is informed that the petitioners stopped appearing in complaint (ULP) No. 741 of 2000 and did not file written statement and consequently, the order dated 20th October, 2007 was recorded by the Industrial Court. The learned Judge had examined various facts but he was not informed deliberately of restoration and the complainant therein (respondent No. 1) was not a party to the original proceedings. Taking survey of the above facts, the order of process issued by the learned Judge, Labour Court dated 6th January, 2009 is set aside. Petition is allowed in the above terms.”

(V) *United Helichapters Pvt. Ltd. and others Vs. S. P. Apsingekar, LAWS (BOM)- 2014-2-360*, wherein the Coordinate Bench of this Court dealt with the order of issuance of process against the petitioners therein by the learned Metropolitan Magistrate for the offence punishable under Clause 13(1)(c) of the Private Security Guards (Regulation of Employment and Welfare) Scheme 2022 read with section 3(3) of the Maharashtra

Private Security Guards (Regulation of Employment and Welfare) Act, 1981. Petitioner No.2 therein was Chairman-cum-Managing Director and Petitioner No.2 was the Head of HR Department of the company. Under the facts and circumstances of the case, the judgment in the case of ***ICICI Bank Ltd. & others Vs. State of Maharashtra and another***, 2011-II-LLJ-46 (Bom) was relied on, wherein it is observed as under:

"8. While dealing with a similar issue in Writ Petition No. 1773/2009 Tops Security Ltd. and Another Vs. S.P. Aspingekar, Inspector, Security Guard Board for Greater Mumbai & Thane District and Another relying on the judgment of the Apex Court in the case of S.K. Alagh Vs. State of Uttar Pradesh and Others (2008) 5 SCC 662: (2008) 1 MLJ (Cri) 1360, I have held that unless a statute specifically provides for vicarious liability of a director or any other employee for an offence committed by the employer such a director or employee cannot be vicariously held liable. While considering the provisions of the Act along with provisions of 2002 Scheme, specifically Clause 42(2) of the said Scheme, I have held that unless the conditions specified in sub clause 2 of Clause 42 are satisfied, a director or an officer of an employee cannot be made liable for offences committed by an employer."

held liable. While considering the provisions of the Act along with provisions of 2002 Scheme, specifically Clause 42(2) of the said Scheme, I have held that unless the conditions specified in sub clause 2 of Clause 42 are satisfied, a director or an officer of an employee cannot be made liable for offences committed by an employer."

11. Per contra, the learned counsel appearing for Respondent No.2 employee canvassed that, on 29.11.2019, the learned Labour Court passed judgment in Complaint (ULP) No. 57 of 1998 and set aside order of dismissal passed on 08.05.1998 holding that the Employer of the Respondent no. 2 indulged into unfair labour practice contemplated under Item 1 of Schedule IV of the MRTU & PULP Act,1971 and the Respondent no. 2 employer is deemed to be in service w.e.f. 08.05.1998 and he is entitled for full back wages with consequential benefits till date of his superannuation. Further, on 14.12.2022, the learned Member, Industrial Court passed the Judgment in Revision (ULP) No.4 of 2020 and affirmed the Judgment passed by the learned Labour Court. Though the Employer Industrial Establishment filed Writ Petition No. 11899 of 2022 before this Court, however, on 12.01.2023, this Court issued Rule and declined to grant stay to the operation of the judgment and order dated 14.12.2021 passed by the learned Member, Industrial Court, in Revision (ULP) No. 4 of 2020. Therefore, it is obligatory on the part of the Industrial Establishment, its General Manager, Chairman/President/Vice President,

Managing Director to comply with said Judgment, however, the Petitioner and other Accused failed to comply the same.

12. The learned counsel appearing for Respondent No.2 further canvassed that, on 06.01.2020, Respondent No.2 issued notice with both the Judgments and had called upon the accused persons to comply with the Judgments, however, notice of present Petitioner returned back with postal endorsement “unclaimed”. Respondent No.2 has specifically made averment in complaint that, present Petitioner/accused No. 3 is President/Chairman of the Industrial Establishment and he is responsible for day to day affairs of the Industrial Establishment. Not only this, but the General Manager of the Industrial Establishment was duly served with the notice and fact of passing of the Judgment by learned Labour Court is within knowledge of the present Petitioner/Accused No.3. Therefore, merely the petitioner is old aged person and may be suffering from various ailments cannot be the substantial ground for quashment of order of issuance process passed by the learned Judge, Labour Court under Section 48(1) of the MRTU & PULP Act, hence, prayed for dismissal of the Petition.

13. The learned counsel appearing for Respondent No.2 further canvassed that, Mr. Arun Hastimal Firodia, the Chairman of the Industrial Establishment had assailed order dated 06.08.2022 in Revision

Petition(ULP) No. 5 of 2022 challenging order of issuance of process, however, on 17.11.2022, the learned Member, Industrial Court passed the impugned judgment and dismissed the Revision. Therefore, the accused No.3/ the Chairman of the Industrial Establishment is responsible for the day to day affairs of the Industrial Establishment and is under obligation to comply with the Judgment passed by the Labour Court. However, the petitioner failed to comply with said Judgment intentionally and deliberately. Therefore, order of issuance of process under Section 48(1) of the MRTU & PULP Act is just and proper, hence, prayed for dismissal of the Petition.

14. In support of this submission, the learned counsel appearing for Respondent No.2 relied on the following case laws as under:

(i) ***Sonu Gupta Vs. Deepak Gupta and others, (2015) 3 Supreme Court Cases 424***, wherein it is held that at the stage of cognizance and summoning, the Magistrate is required to apply his judicial mind only with a view to take cognizance of offence or in other words, to find out whether prima facie case has been made out for summoning the accused person. At this stage, the Magistrate is not required to consider the defence version or material or argument nor he required to evaluate the merits of the material or evidence of the complainant, because the Magistrate must not undertake the exercise to find out at this stage

whether these materials will lead to conviction or not.

(ii) ***Satish J. Mehta and others Vs. The State of Maharashtra and others, 1991 II CLR 547***, wherein, it is held that Section 48 of the Act is wide enough to cover the persons who are not parties to the complaint provided they were bound to comply the order of the Industrial Court and failed to comply the same. Therefore, the blanket proposition that in each and every case, company is must in the array of the accused need not be accepted.

(iii) Judgment dated 11th April, 2016 passed by this Court in Criminal Writ Petition No. 586 of 2014, ***Gulabrao Bhadu Pawar Vs. Ajinkya Arun Firodya***, Managing Director, Kinetic Engineering Ltd., and observed in Paragraph Nos. 6 and 7 as under:

“6. In the present case, what is noticed is, the Industrial Court has accepted the statement of accused person made in the application which was without any legal foundation but for pleadings, and has discharged the accused Ajinkya Firodiya. The least that was expected of the Industrial Court was to consider the pleadings of the petitioner-complainant in an application under Section 48(1) of M.R.T.U. & P.U.L.P Act, showing the respondent to be accused person in the same, and proceeded after ascertaining liability and responsibility in managing affairs of the Company, particularly in the matter of compliance of the Judicial verdicts given by the learned Court in favour of the petitioner to which respondent was party.

7. The order which is impugned in the present petition prima facie

could be inferred as the one passed by the learned Industrial Court without considering above referred parameters and hence not in tune with the provisions of Section 48(1) of the Act. As a consequence of above, even if original accused No. 1 Hemant Dike is convicted under Section 48(1) of the Act, still in my opinion, the order of issuance of process and the discharge order would not merged with the final order passed against other accused Hemant. The role of the present respondent Ajinkya has to be analysed. so as to find out whether he is entitled for discharge.”

(iv) ***Vijay Laxmanrao Vahadne Vs. Ajinkya Arun Firodiya, 218 All M.R. (Cri) 499***, wherein, the proceeding was initiated against the General Manager who was convicted but the complainant did not get execution of the order of reinstatement. Therefore, the Board of Directors and Managing Director were expected to execute the orders of the Court.

(v) Judgment dated 20.04.2021 passed by this Court in Criminal Writ Petition No. 1893 of 2019, ***Dilip Bhikaji Londhe Vs. Ajinkya Arun Firodiya & another***, wherein this court considered various case laws cited therein as well scope of Section 48(1) of the MRTU & PULP Act and held that, the offences made punishable thereunder would be continuous act of a person of failing to comply with the order of the Industrial or Labour Courts. There is no question of any double jeopardy. The order directing the petitioner to be reinstated has reached finality and it is the obligation of the company and the person managing its affairs to obey it. Therefore,

so long as the order is not implemented/obeyed, it would always be open for the person like the petitioner to seek to proceed against the persons who according to him are responsible for execution and to obey the order but have failed to do so. In para 13, this Court further observed that, whether and if he would be able to establish the charge is a matter which cannot be gone into at this stage. By sending a letter by Registered Post AD and calling upon the respondents to obey the order of the Industrial Court but fail to comply the same, would be entitled to insist for implementation of the order which has been reached finality.

15. In the case in hand it is not in dispute that, the respondent No. 2 filed Criminal Complaint (ULP) No. 9 of 2020 and specifically alleged that, on 29.11.2019, the learned Labour Court passed judgment in Complaint (ULP) No. 57 of 1998 and set aside the order of his dismissal dated 08.05.1998. So also, on 14.12.2021, the learned Member Industrial Court passed the judgment and order in Revision Petition (ULP) No 4 of 2020 and affirmed the judgment dated 29.11.2019 passed by the learned Labour Court in Complaint (ULP) No. 57 of 1998.

16. It is a matter of record that, the Industrial Establishment filed Writ Petition No. 11899 of 2022 challenging the judgment and order dated 14.12.2021 passed by the learned Member, Industrial Court in Revision

(ULP) NO. 4 of 2020 arising out of judgment dated 29.11.2019 passed by the learned Labour Court in Complaint (ULP) No. 57 of 1998. However, on 12.01.2023, this Court simply issued Rule but declined to grant interim relief.

17. No doubt, the Writ Petition No. 11899 of 2022 filed by the Employer of Respondent NO.2 is subjudice before this Court. However, merely the Petition is admitted without granting stay to the effect and operation of the judgment and order dated 14.12.2021 passed by the learned Member, Industrial Court in Revision Petition (ULP) No. 4 of 2020 arising out of judgment dated 29.11.2019 passed by the learned Labour Court in Complaint (ULP) No. 57 of 1998, said judgment does not automatically loose its operation. Therefore, the Respondent No.2/ Employee has every right to get implemented the judgment and order dated 29.11.2019 passed by the learned Labour Court in Complaint (ULP) No. 57 of 1998.

18. Needless to say that, on 29.11.2019, the learned Labour Court passed the judgment and order declaring that, the act of employer while issuing order of dismissal of the Respondent's service on 08.05.1998 amounts to unfair labour practice under item 1(a), (b), (c), (d), (f) and (g) of Schedule IV of the MRTU & PULP Act. It is further declared that,

the order of dismissal of service of respondent is illegal, improper and bad in law, hence, quashed and set aside the same. It is further held that, the complainant superannuated during pendency of the complaint, therefore, he is deemed to be in the service w.e.f. 08.05.1998 till the date of his superannuation and he would be entitled for continuity in service with full back wages and all consequential benefits.

19. The present petitioner is the Chairman of the Industrial Establishment in which the respondent No.2 was employed. Therefore, the petitioner/accused No.3 is responsible for day to day affairs of the Industrial Establishment. It is not the case of the Petitioner/accused No.3 that, he was not having knowledge of passing judgment dated 29.11.2019 passed by the learned Labour Court in Complaint (ULP) No. 57 of 1998 and upheld by the learned Member, Industrial Court in Revision Petition (ULP) No. 4 of 2020 on 14.02.2021. No doubt, the Industrial Establishment filed Writ Petition No.11899 of 2022 before this Court challenging Judgment dated 14.02.2021 passed in Revision Petition (ULP) No. 4 of 2020. On 12.01.2023, this Court issued Rule in said Petition and declined to stay to the judgment passed by the learned Industrial Court in Revision Petition (ULP) No. 4 of 2020.

20. The Petitioner has not denied about issuance of notice dated

06.01.2020 by the Respondent no. 2 alongwith Judgments passed by the learned Revision and Labour Court calling for compliance of said judgments, however, the envelope containing notice of petitioner returned back with postal endorsement 'unclaimed'. Therefore, it is deemed to be served within the meaning of Sec. 27 of the General Clauses Act.

21. Since this Court passed an order on 12.01.2023 in Writ Petition No.11899 of 2022 and issued Rule but declined to stay effect and operation of Judgment passed by the learned Labour Court in Complaint (ULP) No. 57/1998, therefore, it is obligatory on part of the petitioner accused to comply with said Judgment, which is upheld by the learned Industrial Court. The petitioner/accused has not brought any circumstances to show about making effort for compliance of said Judgment. Therefore, considering the averments made in the complaint as well verification statement, the learned Labour Court satisfied that, the Respondent No.2 has made out case for issuance of process under Sec. 48(1) of the MRTU & PULP Act, which is upheld by the learned Member, Industrial Court, on 17.11.2022.

22. The Petitioner/accused No.3 being the Chairman of the Industrial Establishment having control and supervision over affairs and day to day transaction of the said establishment, therefore, he is

responsible to obey the judgment passed the Labour Court but inspite of service of notice with judgment, the petitioner failed to implement the judgment passed by the competent Court. Therefore, considering the scope of Section 48(1) of the MRTU & PULP Act as well as law laid down in the above cited cases, I am of view that, the findings recorded by both the Courts below are just and proper, hence, no interference is called at the hands of this Court.

23. In view of the above discussion, this Petition is dismissed. Rule is discharged.

(Y. G. KHOBRAGADE, J.)

At this stage, the learned counsel appearing for the petitioner seeks extension of interim order granted on 27.02.2023, however, no substantial ground is found to extend the same. Hence the prayer is hereby rejected.

(Y. G. KHOBRAGADE, J.)

JPChavan