



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

WRIT PETITION NO.5606 OF 2022

- PETITIONERS** :- 1. Gram Panchayat, Ghorad, Through its Sarpanch, Tah. Seloo, Distt. Wardha
(Original respondent no.1)
2. Gram Panchayat, Ghorad, Through is Secretary, Tah. Seloo, Distt. Wardha.
(Original respondent no.2)
3. Gram Panchayat, Ghorad, Through its Administrator, Tah. Seloo, Distt. Wardha.

Amendment carried out
as per Court's order
dated 16.09.2025

..VERSUS..

- RESPONDENTS** :- 1) The Block Development Officer Panchayat Samiti, Seloo, Tah. Seloo, Distt. Wardha.
(Original respondent no.3)
- 2) Pravin Govindrao Mathure,
Aged about 25 years,
R/o. Ghorad, Tah. Seloo
District. Wardha
(Original complainant)

Mr.S. S. Ghate, Advocate for Petitioners.
Mr.A. G. Lambat, Advocate for the Respondent No.2.

CORAM : **ROHIT W. JOSHI, J.**

DATE : **13.10.2025**

JUDGMENT :

1) **Rule.** The Rule is made returnable forthwith. Heard finally with consent of learned counsel for the respective parties.

2) The respondent no.2 was employed as a daily wager with the petitioner-Grampanchayat. His services came to be terminated vide order dated 06.04.2015. The respondent No.2 challenged the order of termination by filing a statutory appeal as provided under Section 61 of the Maharashtra Village Panchayats Act, 1959 before the Block Development Officer of the concerned Panchayat Samiti. The said appeal was allowed vide order dated 20.07.2015. The order of termination was set aside without granting back-wages.

3) The petitioner-Grampanchayat thereafter filed a revision challenging the said order dated 20.07.2015 before the Chief Executive Officer. This Revision is filed under Section 61 of the said Act. The revision came to be allowed vide order dated 04.07.2016. The Revisional Authority has

set aside the order dated 20.07.2015 passed by the Appellate Authority and has confirmed the order of termination.

4) Thereafter, respondent No.2 filed a complaint under the provisions of Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (M.R.T.U. & P.U.L.P. Act), challenging the order of termination vide complaint ULP No. 5 of 2017. The learned Labour Court has allowed the said complaint vide judgment and order dated 21.03.2018, thereby quashing and setting aside the order of termination and granting relief of reinstatement in service to respondent No.2.

5) Revision preferred by the petitioner under Section 44 of the M.R.T.U. & P.U.L.P. Act, being revision ULP No.109 of 2018, came to be dismissed vide judgment and order dated 25.04.2022.

6) Mr. Shantanu Ghate, learned Advocate for the petitioner, contends that even assuming that the Grampanchayat is an industry and the respondent No.2-employee had right to challenge the termination by filing complaint under the provisions of M.R.T.U. and P.U.L.P. Act,

the remedy of filing a statutory appeal was also available to the employee. He contends that the employee, chose to file statutory appeal and once the said remedy was availed it was not open for him to invoke provisions of the M.R.T.U. and P.U.L.P. Act. He contends that the order passed by the Appellate Authority granting reinstatement was set aside by the Revisional Authority and if at all the respondent No.2 was aggrieved by the same, he ought to have challenged the revision before appropriate judicial forum.

7) *Per contra*, the learned Advocate for respondent No.2 contends that the forum under the provisions of M.R.T.U. & P.U.L.P. Act is the only competent forum to decide issues pertaining to termination of services of a workmen.

8) Having heard the rival submissions, in the considered opinion of this Court, respondent No.2 had the option of availing any one of the two remedies i.e. either filing an appeal under Section 61 of the Act or challenging the termination by approaching the learned Labour Court. However, both remedies could not have been availed.

9) The litigation initiated by invoking Section 61 of

the Maharashtra Village Panchayats Act was decided against the appellant. It is only after the revision preferred by the petitioner was allowed that respondent No.2 approached the Labour Court by invoking the provisions of M.R.T.U. and P.U.L.P. Act, which is not permissible in view of the judgment of the Hon'ble Supreme Court in the matter of *National Insurance Co. Ltd. Vs. Mastan and Anr*, reported in (2006) 2 SCC 641, in the matter of *Jagbir Singh Vs. Haryana State Agriculture Marketing Board and Anr*. reported in (2009) 15 SCC 327 and in the matter of *Gram Panchayat, Ghorad Vs. The Block Development Officer Panchayat Samiti, Seloo & Ors.* reported in (1976) 1 SCC 496.

10) In view of the above, the writ petition is **allowed**, by making the rule absolute in prayer Clause ii of the writ petition which reads as under:-

“to quash and set aside the judgment and order dated 26.03.2018 (Annexure I) passed by the Labour Court, Wardha in Complaint (ULPA) No.5/2017 and the Judgment and order dated 25.04.2022 (Annexure K) passed in Revision No.109/2018 by the learned

Industrial Court, Nagpur and further declare that the Order dated 4.7.2016 (Annexure D) passed by the learned Chief Executive Officer, Zilla Parishad, Wardha is maintained.”

(ROHIT W. JOSHI, J.)

Tanmay..