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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 9063 OF 2013

THE MUNICIPAL COMMISSIONER, ABAD
VERSUS
GOVIND VINAYAKRAO BARABOTE

...

Advocate for Petitioner : Mr.Karad Atul M.

Advocate for Respondents : Mr.Soman D.V.

...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 04th August, 2015

Per Court:

1 I have heard Shri Karad, learned Advocate for the Petitioner/
Corporation and Shri Soman, learned Advocate for the sole Respondent.

2 Considering the controversy before me in relation to an
interlocutory order dated 21.11.2012 delivered by the Industrial Court
under Section 30(2) of the MRTU & PULP Act, 1971 below Exhibit U/2 in
Complaint (ULP) No.90/2012, I am not adverting to all the submissions of
the learned Advocates.

3 This petition has been filed on 17.01.2013. Interim order
below Exhibit U/2 has been delivered on 21.11.2012. The issue before the

Industrial Court is as to whether, the departmental/ domestic enquiry against the Respondent needs to be conducted by the Petitioner/ Corporation under the Maharashtra Civil Services (Discipline & Appeal) Rules, 1979 or whether, it needs to be conducted under the Model Standing Orders framed under the Industrial Employment (Standing Orders) Act, 1946.

4 Since the litigating sides are before this Court at an interlocutory stage, ends of justice would be met by expediting the complaint so as to ensure that the limited controversy in the complaint is decided on its own merits.

5 In the light of the above, this Writ Petition is disposed of.

6 The Industrial Court, Aurangabad is directed to decide Complaint (ULP) No.90/2012 as expeditiously as possible and preferably on or before 30.01.2016.

7 The litigating sides shall abide by the dates of hearing as may be posted by the learned Industrial Court and shall not seek adjournments on unreasonable or trivial grounds.

8 It be noted that the Industrial Court shall decide the complaint on its own merit and shall not be influenced, in any manner whatsoever, by its prima facie observations arrived at while deciding application Exhibit U/2 vide its order dated 21.11.2012.

9 Until the complaint is decided, the interim order dated 21.11.2012 shall remain in force.

(RAVINDRA V. GHUGE, J.)