

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2216 OF 2015

RAVINDRA S/O RAJARAM BHAIRI

PETITIONER

VERSUS

SURAJ PRESSING PVT.LTD.,
THROUGH ITS DIRECTOR,
RAMCHANDRA NARAYAN BHAT

RESPONDENT

Mr.N.B.Narwade, Advocate for the petitioner.
Mr.V.N.Upadhye, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 12/08/2015

PER COURT :

1. On 30/06/2015, I had recorded the submissions of the petitioner and had passed the following order :-

*"1. The petitioner has suffered oral termination. Complaint *ULP) No.21/2013 is pending final hearing before the Labour Court.*

2. Interim application Exhibit U-2 is allowed by order dated 18.10.2013. Revision, challenging the U-2 order, is dismissed by judgment dated 1.2.2014. Criminal (ULP) for dis-obedience of U-2 order is pending.

3. The petitioner, therefore, moved application Exhibit U-14, praying for 50% wages till the Complaint is decided. Said application has been rejected and Revision (ULP No.47 of 2014 has been dismissed by judgment dated 4.12.2014. The petitioner, therefore, prays for 50% wages in the light of the

interim order.

4. Since the learned Advocate for the respondent is not available, S.O. to 10.7.2015. Parties to note that the matter is likely to be heard finally at admission stage.”

2. Mr.Upadhye, learned Advocate for the respondent submits that the respondent has never shown its disinclination for implementing the interim order dated 18/10/2013 passed by the Labour Court in Complaint (ULP) No.21/2013. The petitioner himself is not interested in reporting for duties and is merely creating a record so as to avoid offering himself for work and yet earn back wages. Mr.Narwade, learned Advocate vehemently denies the said allegation and submits that the petitioner is prepared to report for duties and shall do so forthwith.

3. A Criminal (ULP) No.27/2013 is pending before the Labour Court in relation to the alleged disobedience of the interim order dated 18/10/2013 and the same is being adjudicated upon by the Labour Court.

4. In the light of the above and since the impugned order passed by the Labour Court below Exh.U-14 dated 12/09/2014 is an interlocutory order and the criminal complaint u/s 48(1) of the

M.R.T.U. and P.U.L.P. 1971 is being adjudicated upon by the Labour Court, I am disposing of this petition without causing any interference in the said order as well as in the impugned judgment of the Industrial Court dated 04/12/2014.

5. Suffice it to say, the petitioner is at liberty to report for duties. The Labour Court is at liberty to decide Criminal (ULP) No.27/2013 on its own merits. So also, the Labour Court shall decide Complaint (ULP) No.21/2013 as expeditiously as possible and preferably on or before 30/01/2016. The Labour Court shall take into account the effect of its interim order below Exh.U-2 and the unpaid wages during the operation of the said order, while deciding the main complaint.

(RAVINDRA V. GHUGE, J.)