

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.4519 OF 2015

Vadgaon Sheti Utpanna Bajar Samiti
(Vadgaon Agriculture Produce Market
Committee)Petitioner/ Org. Respondent No.1

V/s.

1.Shri Anandrao Bhimrao Patil
& Anr.Respondents.(No.1 org. Complainant
and No.2 org. Respondent.)

Mr. P. M. Arjunwadkar, Advocate for the petitioner.
Mr. M. S. Topkar, Advocate for the respondent No.1.

CORAM : Smt. R. P. SondurBaldota, J.
DATE : 29th July, 2015.

P.C.:

1. This petition challenges the interim order dated 16th April, 2015 passed by the Industrial Court restraining the petitioner from acting upon the order dated 11th March 2015 demoting respondent no.1 from the post of secretary to the post of inspector.

2. The challenge in this petition is two fold. Firstly the industrial Court has no jurisdiction to entertain the dispute relating to respondent no.1 and secondly on merit respondent no.1 has no case. As regards the first contention admittedly the same was not even raised before the Industrial Court. Consequently the impugned order is silent on the question. Mr. Arjunwadkar, the

learned advocate for the petitioner submits that there should be no difficulty in raising the question before this Court for the first time as the question is of law. Even if that is so, since the order impugned in the petition is only an interim order, the petitioner still has an opportunity to make appropriate application before the Industrial Court to raise the issue of jurisdiction.

3. As regards the merits of the case, the petitioner had sanctioned promotion of respondent no.1 as secretary on 27th December, 2015. Thereafter it had actively pursued the Director of Marketing State of Maharashtra, Pune for approval of the appointment of respondent no.1 to the post of secretary. The approval was being delayed as the Director Marketing proposed to prepare a panel of persons eligible for promotion to the post of secretary. But the petitioner had argued that the panel would not affect the promotion of respondent no.1 because the preparation of the panel was subsequent to promotion of respondent no.1. Thus, the record shows that the petitioner was in fact justifying the promotion of respondent no.1 to the post of secretary.

4. Mr. Arjunwadkar submits that subsequently it was found that respondent no.1 was not functioning properly. In it's written statement the petitioner states that the work of respondent no.1 was found unsatisfactory. In spite of oral warning and intimations respondent no.1 was not attending to the duties in time. He was very casual in performance of duties. Hence it was

necessary to assign the post of secretary to some other employee. All these allegations are vague and without necessary particulars. The petitioner has not been able to show any material on record regarding any warning given to respondent no.1 or any action taken against him. In the circumstances, I find challenge to the impugned order has no merit. Hence, the petition is dismissed.

(SMT. R. P. SONDURBALDOTA, J.)