

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11208 OF 2014

Mr. Nagesh Shivanna Dhabe
Aged: 33 years, Occ : Service
Res. At plot no.68,
Ashirwad Nagar, In front of
Kalyan Nagar, Solapur
District : Solapur
: V/S :

.....Petitioner

The Commissioner, Solapur
Municipal Corporation,
Solapur

.....Respondent

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Mr. Neel G. Helekar, Advocate for the petitioner.

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Coram :- Smt. R.P. SondurBaldota, J.

15th July, 2015.

P.C. :-

1). This petition is directed against the order of the Labour Court rejecting the petitioner's application for interim reliefs in the Complaint (ULP) No. 2 of 2013 and of the Industrial Tribunal dismissing Revision Application (ULP) No. 28 of 2013. The main interim relief sought by the petitioner was of setting aside the order dated 5th December, 2012 by which his services were terminated and reinstating him in the same post with continuity in service. The other interim reliefs sought was of payment of salary from 5th December, 2012. Considering the nature of relief sought, it is obvious that the same could not have

been granted by the Courts below at the interim stage. This is more particularly, where the respondent claims that name of the petitioner was included in the select list of drivers, by mistake. Also, according to the respondent, the petitioner was not it's employee and was the employee of a Trust by name, Bhavaniram Sikchi Dharmashala Trust. Since this contention goes to the very root of the claim of the petitioner, the Courts below have refused to grant interim relief.

2). Mr. Helekar, the learned Advocate appearing for the petitioner submits that, he appreciates that the claim of the petitioner is essentially a matter of evidence but he is concerned with the observations in the order as regards the qualifications of the petitioner. He apprehends that the observations may influence the Court at the time of final hearing of the complaint. There can be no reason for the apprehension, because the observations made are clearly *prima-facie* observations, which will be subject to the evidence that would be led. Hence, the petition is dismissed.

(SMT. R.P. SONDURBALDOTA, J)