

Sequeira

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7515 of 2015

The Municipal Corporation of
Gr.Mumbai and ors. .. Petitioners

Vs.

Mumbai Mahanagarpalika Karyalayeen
Karmachari Sanghatana. .. Respondent

AND

WRIT PETITION NO. 7517 of 2015

The Municipal Corporation of
Gr.Mumbai and ors. .. Petitioners

Vs.

Municipal mazdoor Union, Mumbai. .. Respondent

Mr.S.S.Pakale i/b Mr.U.H.Deshpande, for Petitioners in both the petitions.

Mr.Prakash Devdas i/b Mr.V.S.Patil, for the Respondent.

Smt.Neeta Karnik, for Respondent in Writ petition No.7517 of 2015.

**CORAM: N.M.Jamdar, J.
Monday 16 November, 2015**

P.C. :

Both these petitions arise from ad-interim order passed by the Industrial Court. In Writ petition No.7517 of 2015 the impugned order is passed on 22 September 2014 in Complaint (ULP) No.269 of 2014. In Writ petition No.7515 of 2015, the impugned order is passed on 23 September 2014 in Complaint (ULP) No.275 of 2014.

2. By the impugned orders the Industrial Court has directed the

Municipal Corporation not to give effect to Circular dated 31 July 2014 by recovering certain monetary benefits which have been given to the Respondents.

3. The learned counsel for the Petitioner Corporation submitted that the benefits have been given to the Respondent wrongly and the Industrial Court ought not to have granted such ad-interim order.

4. However, considering the fact that the impugned orders are only ad-interim orders and time has been given to the Corporation to file reply affidavit and that Respondents continue to be in service, it is not necessary to interfere with the impugned direction at present. It is open to the Petitioner Corporation to file their reply and contest the application for interim relief.

5. Accordingly, both the Writ petitions are disposed of by keeping all contentions on merits, as regards the application for interim relief as well as complaint, open to be considered by the Industrial Court.

6. The Industrial Court will no doubt keep in mind that the applications are for interim relief and make an endeavor to dispose of the applications for interim relief preferably within period of three months, if there are no earlier commitments.

(N.M.Jamdar, J.)