

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.

CIVIL APPLICATION (CAW) NO.457 OF 2015

IN

WRIT PETITION NO.6054 OF 2010

(The Municipal Council, Bhadravati ..vs.. Farid Khan Noor Khan Pathan)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 25-03-2015

Heard Shri M.I. Dhatrak, the learned Advocate for the petitioner and Shri P.S. Tiwari, the learned Advocate for the respondent.

2. This Court by the order dated 29-06-2011 while issuing rule directed that the prayer for interim order will be considered after the decision of the Director of Municipal Administration, Mumbai on the proposal made by the petitioner for regularisation of the services of the respondent. The learned Advocate for the petitioner submits that the proposal of the petitioner has been rejected on 18-12-2012. In this background, this application is moved praying for stay to the effect, operation and execution of the impugned order.

3. Apart from the fact that the petitioner had not been vigilant in seeking the interim order as though its proposal was rejected on 18-12-2012, the civil

application is filed on 09-02-2015, in view of the findings recorded by the Industrial Court in paragraphs 12, 16, 19 and 23 of the order passed by the Industrial Court, in my view, prima facie the petitioner is not entitled for the interim order as prayed by it.

4. The prayer for stay to the direction given by the Industrial Court to regularise the services of the respondent is rejected. However, the directions given by the Industrial Court to make available to the respondent arrears of the monetary benefits are stayed on condition that the petitioner shall make available to the respondent the monetary benefits from 28-09-2010 i.e. the date of order of the Industrial Court.

5. The civil application is disposed in the above terms.

JUDGE

pma