

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1496 of 1997

Bhagwati Refinery Pvt.Ltd.,
Pachora, Dist.Jalgaon,
Through its Manager,
Shri Govind Vasant Shimpi

-- PETITIONER

VERSUS

Shankar s/o Deochand Bhavsar,
Age-Major, R/oMansinka Colony,
Pachora, Dist.Jalgaon

-- RESPONDENT

Mr.L.V.Sangit h/f Mr.S.V.Dixit, Advocate for the petitioner.
Respondent served.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 24/11/2016

ORAL JUDGMENT :

1. Though the respondent has been served after admitting this matter and granting interim relief in terms of prayer clause "B", no appearance has been entered by the respondent.

2. Nevertheless, Mr.Sangit, learned Advocate fairly submits that the Labour Court, by the impugned order dated 11/09/1996 had allowed the application for interim relief in Complaint (ULP) No.133/1996 in the nature of a direction to pay 75% of the back wages and reinstatement. The Industrial Court, vide the impugned

judgment dated 14/03/1997 rejected the Revision (ULP) No.136/1996 filed by the petitioner.

3. This Court, while admitting the matter, has granted interim relief in terms of prayer clause “B” which reads as under :-

“B. That, pending the hearing and final disposal of the present writ petition, the execution, implementation and operation of the judgment and order, dated 11/09/1996 passed by Judge, Labour Court, Jalgaon, below Exh.U-2 in Complaint (ULP) No.133/1996 as confirmed by the judgment and order, dated 13/03/1997 passed by Member, Industrial Court, Nashik in Revision (ULP) No.136/1996, be stayed.”

4. As such, it is evident that the interim relief of reinstatement and 75% back wages granted at the interim stage has been stayed by this Court for the last more than 19 years, In this backdrop, I deem it appropriate to pass the following order :-

- [a] This petition is allowed.
- [b] The impugned order dated 11/09/1996, which amounts to granting final relief at interim stage is quashed and set aside. Similarly, the impugned judgment of the Industrial Court dated 14/03/1997 is quashed and set aside and Revision (ULP) No. 136/1996 is disposed of.
- [c] In the event, Complaint (ULP) No.133/1996 has not been

decided by the Labour Court, Jalgaon, the same shall be decided as expeditiously as possible and in any case, prior to 29/04/2017.

- [d] In the event the said complaint has already been decided, the parties shall be subject to the result of the complaint and further litigation, if any.

5. Rule is made absolute accordingly.

(RAVINDRA V. GHUGE, J.)