

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1458 OF 2016

Chief Officer,
Shrigonda Nagar Parishad,
Tq. Shrigonda, Dist. Ahmednagar.

..PETITIONER

VERSUS

Raosaheb Tukaram Jadhav
R/o Lokhande Wadi,
Tq. Shrigonda, Dist. Ahmednagar

..RESPONDENT

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Mr. P.N. Khedkar, Advocate for petitioner.
Mr. A.S. Shelke, Advocate for respondent.

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**CORAM : RAVINDRA V. GHUGE, J.
DATED : 9th FEBRUARY, 2016**

ORAL JUDGMENT:

1. Rule. Rule made returnable forthwith and heard finally by consent of the parties.

2. Mr. Khedkar, learned Counsel for the petitioner has strenuously criticised the interim order dated 19.10.2015 passed by the Industrial Court, Ahmednagar by which the application for

interim relief has been allowed and the exparte ad-interim order/protection granted by the Court on 03.02.2015 has been confirmed.

3. Mr. Khedkar submits that though the petitioner was successful in prima facie establishing that he has been working from 2000 with the petitioner, the case is otherwise. He was in fact a sort of a mukadam. His job was to deploy/supply drivers to the petitioner. He was the lowest bidder and therefore he was selected. Occasionally, he may be driving the vehicles of the petitioner. He has obtained a driving license in 2010. The interim relief granted is of the nature of final relief. He therefore prays for setting aside the impugned order.

4. Mr. Shelke, learned Counsel for the respondent refutes the submissions of the petitioner. His contention is that the respondent alongwith few other drivers were working under the direct supervision and control of the petitioner. Some of the drivers belonging to the said group/set of workers have already been

granted permanency and the petition filed by the petitioner with regard to the said employees is pending in this Court. Those employees continued to be in employment.

5. He further submits that prima facie, he could establish before the Industrial Court that he has been in employment for about 15 years. By an order dated 03.02.2015, the Industrial Court has granted ad-interim protection and the said protection has been continued from time to time. After both the litigating sides were heard on application Exhibit U-2, the Industrial Court has exercised its jurisdiction under Section 30(2) of the MRTU & PULP Act, 1971 and has granted protection to the respondent till the disposal of the complaint. He further points out that the Industrial Court has itself expedited the complaint to be disposed of within a period of one year and almost four months have already lapsed. He further submits that no interference is called for in an interlocutory order.

6. I have considered the submissions of the learned Counsel.

7. An interlocutory order is brought in question. The Industrial Court, prima facie appreciating the case before it has passed a speaking order considering the submissions of both the sides in details. The other daily wage drivers alongwith the respondent are said to have been granted permanency by the Court. Vacant posts have also been noted by the Industrial Court considering the advertisement published by the petitioner in the newspaper Dainik Punya Nagari.

8. I find that the Industrial Court has considered the fact situation at a prima facie stage and has found it fit to protect the services of the respondent who has been working prima facie for a period of almost 15 to 16 years. The complaint has also been expedited by the Industrial Court and the judgment in the complaint is expected on or before 19.10.2016.

9. In the light of the above, I do not find that the impugned order calls for any interference. The petitioner can surely pursue

the complaint without seeking unreasonable adjournments so as to ensure that the said complaint is decided on or before 19.10.2016.

10. This petition is therefore dismissed. Rule is discharged.

(RAVINDRA V. GHUGE, J.)