

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3133 OF 1997
WITH
CIVIL APPLICATION NO. 8068 OF 2006

1. The Agriculture Produce
Market Committee, Dhule.

2. The Sabhapati,
The Agriculture Produce
Market Committee, Dhule.

..Petitioners

Versus

Shri Parshuram Daga Patil,
Age 58 years, R/o CTS No.2648,
Lane No.5, Near Mirchaya Maruti,
At Dhule.

..Respondent

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None present.

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CORAM : RAVINDRA V. GHUGE, J.
Dated: December 15, 2016

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ORAL JUDGMENT:-

1. None appears for the litigating sides.
2. The petitioner is aggrieved by the ad-interim order dated 13.2.1997 below Exhibit U/2 and the order dated 20.3.1997 below Exhibit U/2 passed by the Industrial Court, Nasik in Complaint (ULP) No.138 of 1997.

3. By the impugned orders, the Industrial Court has ordered as under:-

“1. The order dated 13.2.1997 is confirmed.

2. In view of the fact that, the complainant though suspended pending issuance of charge - sheet, and enquiry, in fact, had not been issued with any charge sheet and no enquiry was initiated against him, the respondents are directed to pay the complainant full backwages from the date of his suspension, i.e. 6.7.1981 within seven days from the date of this Order.

3. The respondents are further directed to consider the salary of the complainant, as and when it might have been increased by way of either granting annual increment or by way of any settlement within the workers or Union.

4. The respondents are further directed to pay costs of RS.5,000/- to the complainant for all mental harassments and agony caused to him during the proceeding.”

4. This petition was admitted on 1.12.1997 and by way of interim relief, the impugned orders were stayed in terms of prayer clause D(b). It appears that pursuant to the interim relief granted by this Court, the interim orders have been stayed. However, this Court has not stayed Complaint (ULP) No.138 of 1997.

5. In the light of the above, since the interim orders have been stayed for the past more than 19 years, I do not deem it proper to vacate the interim relief granted by this Court. Ends of justice would be met by continuing the interim relief so as to enable the Industrial Court, Dhule (which has been subsequently established for the District of Dhule) to proceed to decide Complaint (ULP) No.138 of 1997, which must have been transferred from Nasik to Dhule.

6. In the light of the above, this petition is partly allowed. The interim relief granted in terms of prayer clause D(b) shall stand continued till the disposal of Complaint (ULP) No.138 of 1997, which shall be disposed off by the Industrial Court, Dhule as expeditiously as possible and preferably within a period of six months from today, if not already decided. Needless to state, if the said complaint is already decided, this interim relief granted earlier by this Court would cease to continue as it would merge in the final judgment of the Industrial Court.

7. Rule is made partly absolute accordingly.

8. Pending Civil Application stands disposed off.

(RAVINDRA V. GHUGE, J.)

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