

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11247 OF 2016
(The District Marketing Officer and another Vs.Uddhav Dnyanoba
Kale and others)

Mr.P.D.Suryawanshi, Advocate for the petitioners.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 16/11/2016

PER COURT :

1. The petitioners are challenging the ex-parte ad-interim order dated 29/09/2014 passed by the Industrial Court, Aurangabad by which the respondents/employees in this petition, who are original complainants, have been protected and the petitioners are directed to maintain status-quo with regard to their service conditions.

2. Considering the directions that I intend to issue, I am not issuing notice to the respondents.

3. The ex-parte ad-interim order dated 29/09/2014 reads as under :-

“Heard learned Advocate.

Issue notice to respondents R/o 16/10/2014 and till then respondents are directed not to change service condition of

applicants adversely affecting their interest.”

4. The petitioners submit that Complaint (ULP) No.107/2014 is posted for hearing on the application for interim relief Exhibit U-2 from 16/12/2014. It is stated that the Industrial Court has not heard the learned Advocates for the litigating sides on Exhibit U-2.

5. It is trite law in the light of Regulation 115 (4) of the Industrial Court Regulations, 1975 that once an ex-parte ad-interim order is passed, the application for interim relief has to be heard expeditiously. The returnable date in such situation is not to be posted beyond 15 days from the date of the passing of the order. It is disturbing that the hearing on application Exhibit U-2 has been adjourned from 16/12/2014 till 14/11/2016 and the matter is now posted on 19/11/2016.

6. In the light of the above, this petition is disposed of by directing the Industrial Court, Aurangabad to record the oral submissions of the litigating sides in Complaint (ULP) No.107/2014 on 19/11/2016 and the matter shall not be adjourned for any reason. After the submissions are concluded, the Industrial Court shall endeavour to deliver its order on application Exhibit U-2 on or before 17/12/2016.

Until then, the Labour Court shall adjourn Criminal (ULP) No.40/2015.

7. Needless to state, the ex-parte ad-interim order dated 29/09/2014 shall continue till 17/12/2016 or till the decision on Exhibit U-2, whichever is earlier.

(RAVINDRA V. GHUGE, J.)