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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1677 OF 2016

Municipal Council, Osmanabad
...Petitioner...

Versus

Shaikh Abdul Hafiz Gulab and another
...Respondents...

.....

Shri R.V. Naiknaware, Advocate for petitioner.
Shri V.G. Shelke, AGP for respondent no.2.

.....

CORAM: RAVINDRA V. GHUGE, J.

DATE: 16.02.2016

ORDER :

1] The petitioner – Municipal Council is aggrieved by an interlocutory order dated 8.9.2015 delivered by the Industrial Court by which application (Exh.U-2) seeking interim relief u/s 30(2) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971, has been allowed.

2] Shri Naiknaware, learned Advocate for the petitioner, has strenuously criticized the impugned order. He submits that the said order amounts to granting final relief at an interim stage.

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3] He further submits that the respondent was working as a Plumber as and when his services were required. He was never appointed as a Plumber. His contention that he was working from 18.11.2005 and continues to work even today, is a mis-conceived contention. The Industrial Court has erroneously appreciated the case of the respondent and has arrived at a *prima facie* conclusion that the respondent deserves to be continued in service.

4] Shri Naiknaware further submits that by virtue of the order dated 8.9.2015, the respondent has filed a criminal complaint u/s 48 (1) of the 1971 Act and seeks an order of punishment against the officers of the petitioner. He, therefore, prays that the impugned order be quashed and set aside.

5] I have considered the submissions of the learned Advocate for the petitioner.

6] It cannot be disputed that the impugned order is an interlocutory order and the service of the respondent has been protected as the Industrial Court has arrived at a *prima facie* conclusion that his claim for permanency needs to be considered on merits. The Industrial Court has also come to a *prima facie* conclusion that

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termination of the respondent is likely to frustrate his cause of action. An interim order passed by the Industrial Court would neither create any right in the respondent nor would it create any equities in his favour.

7] In the light of the above, I do not find any merit in this petition. However, the Complaint (ULP) No.2/2014, which is pending before the Industrial Court can be expedited.

8] In the light of the above, this petition is disposed of. The Industrial Court shall endeavour to decide Complaint (ULP) No.2/2014 as expeditiously as possible and preferably on or before 31st day of December, 2016.

(RAVINDRA V. GHUGE, J.)