

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 586 OF 2016

Krushni Utpanna Bajar Samiti,
Renapur, Tq. Renapur, Dist. Latur
Through its Secretary,
Uttam Dnyanoba Chakre,
Aged 45 years, Occ. Service,
R/o Renapur, Tq. Renapur,
District Latur.

..Petitioner

Versus

Dagdu Baburao Patil,
Aged 29 years, Occ. Nil,
R/o Renapur, Tq. Renapur,
District Latur.

..Respondent

...
Advocate for Petitioner : Shri Irpatgire A.N.
Advocate for Respondent : Shri Lavekar S.N.
...

CORAM : RAVINDRA V. GHUGE, J.
Dated: January 22, 2016
...

ORAL JUDGMENT :-

1. Heard.

2. Rule.

3. By consent, Rule is made returnable forthwith and the petition is taken up for final disposal.

4. The petitioner is aggrieved by the impugned interlocutory order of the Industrial Court, dated 14.9.2015, rejecting application C-2 and the

interlocutory order dated 22.4.2015, delivered by the Labour Court, by which application Exhibit U-2 was allowed and the respondent was directed to be reinstated in service till the final disposal of the main complaint. The complaint and the revision are still pending adjudication.

5. Shri Irpatgire, learned Advocate for the petitioner / respondent assails both the orders on the ground that the Labour Court as well as the Industrial Court cannot grant final relief by way of interim relief. Same has been done in the instant case.

6. Learned Advocate for the sole respondent appears on caveat and seriously opposes this petition. Contention is that the Labour Court, prima facie, came to a conclusion that the respondent is likely to suffer starvation. He had worked in between 30.11.2011 to 23.12.2014. He, therefore, deserves to be reinstated. The Industrial Court has also considered the position and has rejected the application for stay.

7. I have heard the learned Advocates for the respective sides.

8. The Labour Court has allowed application Exhibit U-2 on 22.4.2015. Whether, final relief can be granted at an interim stage, is the issue before the Industrial Court. Therefore, to meet the ends of justice, the Industrial Court is directed to decide Revision (ULP) No.20 of 2015 on its own merits, in the light of the grounds raised by the petitioner and the contentions of the respondent, preferably on/or before 30.6.2016.

9. Until then, the petitioner shall deposit an amount of daily wages, equivalent to six months, considering 26 working days in a month, before the Industrial Court, within eight weeks from today, before commencing the final arguments. The Industrial Court, after its decision in the revision shall pass an order with regard to the withdrawal of the said amount with accrued interest to the succeeding party.

10. Both the impugned orders are, therefore, kept in abeyance. Criminal (ULP) No.42 of 2015 shall stand stayed.

11. If the amount as directed above is not deposited, the respondent will be at liberty to proceed with Criminal (ULP) No.42 of 2015.

12. Writ Petition is partly allowed and Rule is made partly absolute in the above terms.

(RAVINDRA V. GHUGE, J.)

...

akl/d