

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3846 OF 2016

Solapur Municipal Corporation & Ors.

...Petitioners

vs.

Prasad Prabhakar Patil

....Respondent

Mr.Samir Kumbhakoni for Petitioners.

Mr.Venkatesh A. Shastry for Respondent No.1.

CORAM : S.C. GUPTE, J.

10 AUGUST 2016

P.C. :

This petition challenges an interim order passed by the Labour Court at Solapur. By the impugned order, the Respondent's dismissal as of 4 August 2015 by the Petitioner Corporation is stayed and the Corporation is directed to reinstate the Respondent (original complainant) on his original post till the disposal of the proceeding. The challenge to that order is on the basis that at the interim stage, reinstatement could not have been ordered by the court. Our courts have held that though it may not be permissible to grant final or substantive relief at the interim stage in every case, relief of stay resulting into permitting the complainant workman to resume duties may be granted if facts of the case warrant such relief. Such order cannot be faulted on the ground of want of jurisdiction, power or authority of the court to pass such order. It is rather a matter of sound judicial discretion. In an appropriate case, depending on the facts and circumstances, the court may well pass such order. Anyway, it is now agreed between Counsel for both sides that the petition can conveniently be disposed of by directing the

Labour Court at Solapur to expeditiously dispose of the complaint without being, in any way, influenced by the observations made in the impugned order. The observations made in the impugned order, which though appear to be in the nature of final observations, are tentative and indicate a *prima facie* view of the court for considering grant of interim relief.

2 Accordingly, the Labour Court is directed to expeditiously dispose of the original complaint without, in any way, being influenced by the observations in the impugned order. The complaint shall be decided on its own merits and in accordance with law. All rights and contentions of parties in that behalf are kept open.

3 The petition is disposed of accordingly.

(S.C. Gupte, J.)