

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9225 OF 2016**

**Shivaji Vidyapeth Shikshak Sangh
Vs.**

..Petitioner

Mr. Baburao Ramchandra Vadam

..Respondent

Mr. M. S. Topkar for the Petitioner

Mr. V. P. Vaidya i/b Mr. M. M. Agavekar for the Respondent

CORAM : R. M. SAVANT, J.

DATE : 26th OCTOBER, 2016

P.C.

1 The order dated 6-6-2016 passed by the Learned Member of the Industrial Court, Kolhapur, is taken exception to by way of the above Petition. By the said order, the application Exhibit U-2 filed for interim reliefs in the Revision Application filed by the Respondent herein came to be allowed and resultantly the order dated 19-12-2015 passed by the Learned Judge of the Labour Court rejecting the application Exhibit U-2, filed for interim reliefs by the Respondent in the Complaint filed by him being Complaint ULP No.110 of 2015 came to be quashed and set aside and the directions as contained in clauses (iii) and (iv) of the operative part came to be issued. The said clauses (iii) and (iv) read as follows :

(ii) The order dated 19-12-2015 passed below Exh U-2 by the learned lower court in Complaint (ULP) No.110 of 2015 is hereby quashed and set aside.

(iii) The respondent is hereby directed not to terminate the services of complainant without following due process of law till the decision of revision.

(iv) The respondent is hereby directed to protect and pay the wages of complainant till the disposal of revision.

2 The principal ground on which the impugned order has been challenged is that at the stage of considering the application for interim relief in the Revision filed by the Respondent herein that the order impugned in the Revision Application dated 19-12-2015 has been set aside and observations have been made on merits, though the Revision Application is pending.

3 It seems that in the Labour Court the ad-interim relief by way of not terminating the services of the Respondent was in operation till 29-12-2015. However, it seems that on the next day i.e. 30-12-2015 the services of the Complainant i.e. the Respondent herein came to be terminated. Thereafter vide Exhibit U-13 the Learned Advocate appearing for the Petitioner herein had given an undertaking that till the disposal of Exhibit U-2, the wages of the Complainant would be protected. Hence in terms of the said undertaking, the wages of the Respondent are required to be paid, however, it seems that they are not been paid on account of which the Respondent has filed a Criminal Complaint ULP under Section 48 of the MRTU and PULP Act.

4 Be that as it may, in my view, it would be just and proper to set aside the directions as contained in clauses (ii), (iii) and (iv) of the impugned order dated 6-6-2016 and continue the position arising out of the undertaking given by the Petitioner namely that the wages of the Respondent would be protected and expedite the hearing of the Revision Application filed by the Respondent. Hence the following directions :

(i) Clauses (ii), (iii) and (iv) of the operative part of the impugned order dated 6-6-2016 are set aside and it is directed that the situation arising out of the undertaking given by the Petitioner herein Vide Exhibit U-13 would continue pending the disposal of the Revision Application.

(ii) The Revision Application being Revision ULP No.243 of 2015 filed by the Respondent to be heard and decided by the Learned Member of the Industrial Court latest by 31-12-2016.

(iii) Needless to state that the Revision Application would be decided on its own merits and in accordance with law uninfluenced by the observations or findings recorded by the Learned Member of the Industrial Court in the impugned order.

(iv) The Learned Counsel appearing on behalf of the Petitioner on instructions of the Coordinator of the Petitioner makes a statement that an amount of Rs.50,000/- would be paid to the Respondent within one week from date and the balance of the arrears of wages would be paid in two equal

installments on or before 15-12-2016. Statement accepted.

(v) In view of the said statement, the Learned Counsel appearing for the Respondent states that the Respondent would not pursue the Criminal Complaint filed by the Respondent in the Labour Court Kolhapur and would withdraw the same on receipt of the amount of Rs.50,000/-.

5 The Petition is disposed of in terms of the aforesaid directions.

[R.M.SAVANT, J]