

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.3262/2016

Pankaj s/o Ramrao Jadhav,
aged about 26 Yrs.,
R/o Beldari, Po. Dongargaon,
Tah. Mahagaon, Distt. Chandrapur.

..Petitioner.
(Ori. Complainant)

..Versus..

1. Maharashtra State Road Transport Corporation, through its Divisional Controller, Tukumb Road, Chandrapur.
2. Maharashtra State Road Transport Corporation, through its Divisional Traffic Superintendent, Tukumb Road, Chandrapur.

..Respondents.
(Ori. Respondents)

Shri C.V. Jagdale, Advocate for the petitioner.
Shri V.G. Wankhede, Advocate for the respondents.

CORAM : Z.A. HAQ, J.

DATE : 14.6.2016

ORAL JUDGMENT

1. Heard Shri C.V. Jagdale, Advocate for the petitioner - employee and Shri V.G. Wankhede, Advocate for the respondents - employer.

2. **Rule.** Rule made returnable forthwith.

3. The petitioner filed complaint under Section 28 read with Item I of Schedule IV of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour

Practices Act, 1971 (for short “Act of 1971”) challenging the order of dismissal. Along with complaint, the petitioner filed an application under Section 30(2) of the Act of 1971 for interim relief. The Labour Court granted interim relief by the order dated 27th August, 2015. The respondents being aggrieved by the above order passed by the Labour Court filed revision which is allowed by the Industrial Court by the impugned order. As the petitioner continued in the employment in view of interim order passed by the Labour Court, the petitioner had filed an application after disposal of the revision by the Industrial Court, praying that the order passed in revision be kept in abeyance to enable the petitioner to take appropriate steps in the matter. The Industrial Court protected the petitioner and directed that the show cause notice issued by the respondents shall not be given effect to till 15th June, 2016.

It is admitted before this Court that the petitioner continues in the employment.

With the assistance of the learned Advocates for the respective parties, I have examined the documents placed on the record of the petition and I have gone through the orders passed by the subordinate Courts. I find that the Labour Court properly appreciated the evidence on the record, *prima facie*, and granted interim relief in favour of the petitioner. The Industrial Court while exercising revisional jurisdiction has reversed the order passed by the Labour Court, by taking a different view without recording that the view taken by the Labour Court was not possible or

was perverse.

In the above circumstances, I find that the order passed by the Industrial Court is unsustainable.

Hence, the following order:

- (i) The impugned order is set aside.
- (ii) The order passed by the Labour Court is restored.
- (iii) The interim order granted by the Labour Court shall continue till disposal of the complaint by the Labour Court.
- (iv) Rule made absolute in above terms.

In the circumstances, the parties to bear their own costs.

JUDGE

Tambaskar.