

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4285 OF 1994

Kinwat Municipal Council, Kinwat,
Through its Chief Officer,
Post : Kinwat, Dist : Nanded.

...Petitioner.

Versus

1. Vilas Kachru Paralkar,
Age : 28 years, Occ : Nil,
R/o. Kinwat, Tal : Kinwat,
Dist : Nanded.

2. Industrial Court, Jalna,
At & Post : Jalna.

...Respondents.

Advocate for Respondent No. 1 : Shri B.B. Bhise
h/f. Shri D.J. Choudhary.

CORAM : RAVINDRA V. GHUGE, J.

Dated : 13th July, 2017

ORAL JUDGMENT :

1. Heard Shri D.J. Choudhary, learned advocate for respondent No. 1. Respondent No. 2 being the Industrial Court is not a necessary party and stands deleted from the proceedings.

2. None for the petitioner.

3. Rather than dismissing the petition in default, I deem it appropriate to decide the same on its own merits. I have gone through the grounds raised by the petitioner and the record available.

4. Respondent No. 1/workman preferred Complaint (ULP) No. 360/1993, before the Labour Court alleging his wrongful termination. By order dated 06/04/1994, the ex-parte ad-interim protection, granted by the Labour Court on 20/10/1993, was vacated. The respondent/workman approached the Industrial Court in Revision (ULP) No. 196/1994. By judgment dated 25/08/1994, the Revision Petition was allowed by setting aside the order of the Labour Court dated 06/04/1994 and by way of interim relief, the petitioner/Municipal Council was directed to reinstate the workman in service on the same earlier service conditions and continue him till the disposal of the complaint.

5. The petitioner/Municipal Council approached this Court in this petition which was admitted on 04th April, 1997 and

interim relief in the nature of “Status quo as on today” was granted.

6. The petitioner has placed reliance upon the order passed by the Hon’ble Supreme Court on 18/08/1994 in SLP (Civil) Nos. 4658/1993 and 5717/1993, in the matter of Gram Sewak Prashikshan Kendra Versus The Workman Employed under them, represented by the Manjri Farm Kamgar Union and others.

7. The Hon’ble Apex Court, considering the matters of such nature where workers are working in a seasonal employment or in temporary employment, has held that they would not acquire a right to seek permanency or absorption unless there are vacant posts.

8. It is obvious that the litigating sides are before this Court on the interlocutory order passed by the Labour Court. This Court has directed status quo to be maintained since 04th April, 1997.

9. Considering the same, I deem it proper to dispose of this petition by continuing the interim relief dated 04/04/1997, up to 28/02/2018, with the direction to the Labour Court to decide the said complaint on/or before 28/02/2018, if not already decided. Needless to state, the order dated 04/04/1997, passed by this Court would merge in the final order of the Labour Court. It goes without saying that if the Labour Court has already decided the complaint finally, this order would lose its efficacy.

10. Rule is made absolute in terms of the interim order and on the above terms.

(RAVINDRA V. GHUGE, J.)

S.P.C.