

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1040 OF 2017

Chandrabhagabai Raghunath Bansode,
Age : 59 years, Occupation : Service,
R/o Behind Panchakki,
Near Engineering College, Aurangabad.

...PETITIONER

-VERSUS-

1 Dr.Babasaheb Ambedkar College of
Arts & Commerce.
Through the Principal:-
Mr.Kishor Laxman Salve.
Nagsenvana, Aurangabad.

2 The Peoples Education Society, Mumbai.
Through its Member Secretary/ Chairman,
348, Anand Bhavan,
Dr.Dadabhai Naoriji Road, Fort,
Mumbai-400023.

...RESPONDENTS

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Advocate for Petitioner : Shri Kawre B.R.
Advocate for Respondents : Shri S.N.Pagare.

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CORAM: RAVINDRA V. GHUGE, J.

DATE :- 31st January, 2017

Oral Judgment :

1 Rule. Rule made returnable forthwith and heard finally by the
consent of the parties.

2 The Petitioner, who has preferred this petition on 16.01.2017,
is aggrieved by the order of the Industrial Court dated 29.09.2015 passed
below Application Exhibit C-2 in Revision ULP (Criminal) No.60/2015.

3 I have considered the submissions of the learned Advocates
and have gone through the petition paper book with their assistance.

4 This Court, by order dated 22.06.2015, had declined to stay
the judgment of the Industrial Court dated 21.09.2016 challenged by the
Management in Writ Petition No.63/2014. Pursuant to the refusal to grant
interim relief, the Petitioner preferred Complaint ULP (Criminal)
No.5/2015. By order dated 05.09.2015, the Labour Court issued the
process against all the three Respondents/ accused under Section 48(1) of
the MRTU & PULP Act, 1971. The Respondent/ accused No.3 preferred
Revision ULP (Criminal) No.60/2015 before the Industrial Court. By the
impugned order, the application Exhibit C-2 for interim relief is partly
allowed to the extent of the Respondent/ accused No.3 on the condition
that he would deposit Rs.7,83,096/- in the Court.

5 It is informed by Shri Pagare, learned Advocate for
Respondents, that the said amount has been deposited before the
Industrial Court and the Petitioner has already withdrawn the said

amount.

6 There is no dispute that Writ Petition No.63/2014 is pending final hearing in this Court. By the interlocutory order, the Industrial Court has balanced the equities by directing the Respondent/ accused No.3 to deposit the aforesaid amount. Pursuant to the same, the Industrial Court has stayed the process only to the extent of the Respondent/ accused No.3. There is no dispute between the parties that the amount is to be deposited by the Peoples' Education Society, which is also represented by the Respondents.

7 Considering the above, I find that the interlocutory order, by which the Industrial Court has balanced the equities, cannot be termed as being perverse or erroneous. This Writ Petition being devoid of merit is, therefore, dismissed. Rule is discharged.

8 Needless to state, the issue as to whether, the Respondent/ accused No.3 is a proper and necessary party in the criminal proceedings will be considered by the Industrial Court while dealing with Revision ULP (Criminal) No.60/2015.