

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

WRIT PETITION NO.4522 OF 2002

AHMEDNAGAR MUNICIPAL COUNCIL.
-VERSUS-
SHAHAR PALIKA UNION.

...
None for the Petitioner.
Shri A.S.Shelke, Advocate for the Respondent.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 12th May, 2017

Per Court :

1 The Petitioner is aggrieved by the interlocutory order dated 04.03.2002 passed by the Second Labour Court, Ahmednagar by which the application for interim relief was allowed.

2 By order dated 07.01.2003, this Court admitted the petition and granted the interim relief in terms of prayer clause (C), which reads as under:-

"(C) *Pending hearing and final disposal of the present Writ Petition, grant stay to the effect and operation, implementation and execution of the judgment and order passed below Exhibit U-2 in Complaint (ULP) No.4/2002 by learned Judge, Second Labour Court, Ahmednagar dated 04.03.2002.*"

3 As a result of the above order of this Court, the impugned
interlocutory order was stayed. Consequentially, the interim relief granted
to the Respondent/ Union Members mentioned in Schedule-A of the
complaint, was stayed and they are without any interim relief for the last
15 years.

4 None appears for the Petitioner.

5 Shri Shelke, learned counsel for the Respondent, has
strenuously defended the impugned interlocutory order on two grounds.
Firstly that the Labour Court has jurisdiction to grant this relief under
Section 30 of the MRTU & PULP Act, 1971 and secondly that the Petitioner
has directly approached this Court against the interlocutory order passed
by the Labour Court without exhausting the remedy of approaching the
Industrial Court under its revisional jurisdiction under Section 44 of the
MRTU & PULP Act, 1971. He relies upon the judgment of this Court in the
matter of *Engineering Employees Union vs. Devidayal Rolling & Refineries
Private Limited*, **1986 Mh.L.J. 331 : 1986 (2) Bom.C.R. 246**, by which
this Court has concluded that unless the revisional remedy under Section
44 is not exhausted, the petition cannot be entertained directly by this
Court.

6 The contention of Shri Shelke is sound and well placed. However, this Court admitted this petition on 07.01.2003 and stayed the impugned interlocutory order by which the Respondent/ Union and its members are without the interim relief for the last 15 years. In this backdrop, I deem it appropriate to partly allow this petition directing the Labour Court to decide the complaint expeditiously.

7 In the light of the above, this Writ Petition is partly allowed by continuing the interim relief granted by this Court till 31.03.2018. The Second Labour Court, Ahmednagar shall decide Complaint (ULP) No.4/2002, if not already decided, on or before 31.03.2018 on its own merits and by considering the contentions of the litigating sides. Needless to state, the interim relief granted by this Court is restricted only to the interim order passed by the Labour Court and it would lose its efficacy after the complaint is decided. Rule is made partly absolute in the above terms.