

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

**WRIT PETITION NO. 5429 OF 2017**

Laxman Avchit Dhangar

Age : 57 Yrs., Occ. Nil.,

R/o : Nagaon, Tq. and

Dist. : Dhule.

**.... PETITIONER/  
[ORI. COMPLAINANT]**

**VERSUS**

The Divisional Controller,

Maharashtra State Road

Transport Corporation,

Dhule Division, Dhule,

Taluka & Dist. Dhule.

**.... RESPONDENT/  
[ORI. RESPONDENT]**

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Mr. A.S.Sawant, Advocate for Petitioner.

Mr. U.B.Shriram h/f Mr. D.S.Bagul,

Advocate for Respondent.

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**CORAM : P.R.BORA, J.**

**DATE OF JUDGMENT : 25th APRIL, 2017**

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**ORAL JUDGMENT :**

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the parties.

2. By filing present Writ Petition, the petitioner has challenged the Order dated 24/02/2017 passed by the Industrial Court at Dhule below application at Exh. C-2 in Revision [ULP] No. 32/2016.

3. The petitioner herein has filed Complaint [ULP] No. 23/2016 before the Labour Court at Dhule. In the said Complaint, the petitioner had also filed an application seeking interim relief and the said application at Exh. U-2 was allowed by the Labour Court vide Order dated 22/07/2016. Learned Labour Court vide said interim order has directed the respondent to reinstate the petitioner in service as a Security Guard forthwith or else to pay full wages to the complainant till the final disposal of the Complaint. Aggrieved by the order so passed, the respondent/Corporation filed Revision [ULP] 32/2016 in the Industrial Court at Dhule. In the said Revision Application, the application was filed seeking interim relief with a prayer to stay the effect and operation of the interim order passed by the Labour Court. The Industrial Court has allowed the said application and has stayed the effect and operation of the order till disposal of the Revision Application subject to payment of Rs. 25,000/- [Rupees Twenty Five Thousand] by the

applicant/Corporation to the respondent/employee. Aggrieved by the same, the respondent/employee has preferred present Writ Petition.

4. After having heard the learned counsel for the parties, it appears to me that without entering into the merits of the submissions made on behalf of both the parties, the petition can be disposed of by directing the Labour Court to dispose of the main complaint expeditiously. Admittedly, the respondent/Corporation has filed Revision Application before the Industrial Court against the interim order passed by the Labour Court. Present Writ Petition is also filed against the interim order passed by the Industrial Court. In fact, it would be in the interest of justice of both the parties that the main complaint pending before the Labour Court is decided expeditiously. It is informed by the learned counsel for the respondent/Corporation that the Corporation will deposit the amount of Rs. 25,000/- [Rupees Twenty Five Thousand] within two (2) weeks as directed by the Industrial Court vide the impugned order. It appears to me that the petitioner/workman shall not insist for the relief of reinstatement as granted in his favour by way of interim relief by the Labour Court and shall proceed with

the main complaint. In such circumstances, the respondent/Corporation may not prosecute further the Revision Application filed by it before the Industrial Court. The petitioner/employee, however can be permitted to withdraw the amount of Rs. 25,000/- [Rupees Twenty Five Thousand] after the same is deposited on an undertaking that in the event any adverse order is passed, he will return the said amount to the respondent/Corporation during the period of six (6) weeks after passing of such an order. In view of the above, following order is passed.

[i] The Industrial Court, Dhule shall dispose of the Revision [ULP] No. 32/2016 in terms of the interim order passed by it on 24/02/2017.

[ii] The Labour Court shall decided Complaint [ULP] No. 23/2016 as expeditiously as possible and preferably within a period of four (4) months from the date of this order.

[iii] The Industrial Court shall permit the present petitioner to withdraw amount of Rs. 25,000/- [Rupees Twenty Five Thousand] on an undertaking as mentioned

by this Court in the body of this Judgment.

[iv] Writ Petition stands allowed. Rule is made absolute in the aforesaid terms.

**[P.R.BORA, J.]**

KNP/W.P. 5429.2017 - [ J ]