

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2214 OF 2018

SANDIP BABULAL ZALWAR
VERSUS
M/S AGRICULTURAL PRODUCE MARKET COMMITTEE,
THROUGH ITS SECRETARY

Advocate for Petitioner : Mr. S.B. Kakde.

CORAM : RAVINDRA V. GHUGE, J.
DATED : 27th February, 2018

PER COURT :

1. The petitioner is the original complainant before the Industrial Court, who is aggrieved by the impugned order dated 22/12/2017, by which, application Exhibit U-2, filed by the petitioner under Section 30 (2) of the MRTU and PULP Act, 1971, seeking interim relief, has been rejected.

2. Learned counsel for the petitioner has strenuously criticized the impugned order. He submits that an experience certificate was placed on record to indicate the tenure of his work as a labourer on daily wages. He has produced the muster sheet for October 2016, November 2016, December 2016 and January 2017, to

indicate that he was in continuous employment.

3. It requires no debate that the complainant praying for interim relief has to prove continuous service in an uninterrupted period of at least eight months prior to the date of reference, which would be the date on which the petitioner had filed his complaint on 28/11/2016. Section 25 (B) defines continuous service. The Industrial Court has noticed that there was hardly any evidence at the interim stage to consider the prayer of the petitioner that he should not be terminated and should be continued in service, until the decision in the complaint.

4. Considering the above, I do not find that the impugned order could be termed as being perverse or erroneous.

5. This petition, is therefore, dismissed. It is, however, clarified that the observations of the Industrial Court in the impugned order rejecting the interim application, would be restricted only to the said application Exhibit U-2 and the Industrial Court would independently decide the complaint on its own merits,

after taking into account the oral and documentary evidence that would be adduced by the litigating sides.

(RAVINDRA V. GHUGE, J.)

S.P.C.