

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 592 OF 2017

Municipal Corporation of Greater Mumbai	...Petitioner
Vs.	
Municipal Mazdoor Union, Mumbai	...Respondent

WITH

WRIT PETITION NO. 5625 OF 2017

Municipal Corporation of Greater Mumbai	...Petitioner
Vs.	
Mumbai Mahanagarpalika Karyalayeen Karmachari Sanghatna, Mumbai	...Respondent

Mr.Vinod Mahadik for Petitioner.
Ms.Neeta Karnik for Respondent in WP 592/2017.
Ms.Vidula Patil for Respondent in WP 5625/2017.

CORAM : S.C. GUPTE, J.

DATE : 6 JUNE 2018

P.C. :

Heard learned Counsel for the parties.

2 This petition challenges an interim order passed by the Industrial Court at Mumbai in a complaint of unfair labour practice. The subject matter of controversy is a circular issued by the Municipal Corporation of Greater Mumbai, who were Respondents to the complaint. This circular is in connection with the directions given earlier by the Municipal Corporation in respect of two additional increments to the Municipal Corporation employees who obtain post-graduate degree in

Marathi language from a recognised university. The circular clarifies that the original circular concerning two additional increments does not apply to employees obtaining post-graduate degree in Marathi language from Tilak Maharashtra Vidyapeeth, which is a deemed university, presumably on the ground that Tilak Maharashtra Vidyapeeth is not a recognised university. The impugned interim order is passed by the Industrial Court in a complaint of unfair labour practice made by Municipal Mazdoor Union challenging the impugned circular. The impugned interim order stays the circular of 31 July 2014 till final disposal of the complaint. This order was passed on 17 December 2015. The challenge to this interim order in the petition filed on 27 October 2016 has now come up for admission. In the meantime, the main complaint in the companion petition, which is ripe for final hearing and which challenges the same circular, is kept on 12 June 2018. In the premises, no useful purpose will be served by considering the challenge to the impugned interim order.

3 Accordingly, the writ petitions are disposed of with a direction that the Industrial Court shall decide the main complaint, namely, Complaint (ULP) No.275/2014 as well as Complaint (ULP) No.269/2014, on their own merits uninfluenced by the impugned interim order. All rights and contentions of the parties on merits are kept open.

(S.C. GUPTE, J.)