

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

**WRIT PETITION NO.12595 OF 2017**

Zilla Parishad, Nashik .. Petitioner.

Vs.

Rajendra Yadavrao Somwanshi .. Respondent.

Mr. A.R. Kapadnis for the petitioner.

Mr. Meelan Topkar for the respondent.

**CORAM : A.K. MENON, J.**

**DATED : 29TH JANUARY, 2018**

**P.C. :**

1. This writ petition assails the order dated 7th August, 2017 passed on an application made by the respondent-employee (original complainant) praying for stay of the enquiry proceedings. It appears that the petitioner has sought time to file a reply and in the meantime an order directing of status quo was passed. The impugned order passed thereafter disposes of the interim relief application by allowing and directing both the parties to maintain status quo in Complaint (ULP) No.3 of 2015.

2. Considering the scope of challenge before me today both counsel

agree that this petition can be disposed of at the stage of admission by directing the Industrial Court to decide the preliminary issue of maintainability of complaint and in respect of which the petitioner undertakes to file an application within a period of two weeks from today.

3. Accordingly, I pass the following order :

- (a) On or before 13th February, 2018 the petitioner may file an application challenging maintainability of the complaint under the MRTU & PULP Act;
- (b) Reply, if any, to be filed on or before 13th February, 2018;
- (c) If such application is filed the Industrial Court is directed to dispose of the application within a period of three weeks thereafter i.e. on or before 13th March, 2018;
- (d) The status quo order passed on 7th August, 2017 shall operate only till 20th March, 2018 subject to other orders that may be passed by the Industrial Court.
- (e) Petition is disposed of in above terms.
- (f) All parties to act on an authenticated copy issued by the Registry of this Court.

**(A.K. MENON,J.)**