

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4877 OF 2017

(AGRICULTURE PRODUCE MARKET COMMITTEE & ANR...VS.. VILAS KISAN NANDURKAR & OTH.)
 WITH

WRIT PETITION NO. 4878 OF 2017

(AGRICULTURE PRODUCE MARKET COMMITTEE & ANR...VS.. YOGESHWAR GANGADHAR KAMBLE
 & OTH.)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S.S.Ghate, Advocate for Petitioners.
 Shri M.P. Jaiswal, Advocate for Respondent Nos.1 & 2.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 09, 2018.

Heard.

2. The petitioners/ employer have challenged the orders passed by the subordinate Courts allowing the application filed by the employees under Section 30(2) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (hereinafter referred to as “the Act of 1971”) and directing the employer to reinstate the employees on their former posts, till the decision of the complaint filed by them.

The contention of the employees is that as they filed complaint under Section 28 of the Act of 1971 before the Industrial Court, the employer has discontinued them.

3. The submission on behalf of the employer is that the employees had been working as seasonal employees. The employer has filed an affidavit sworn by Sanjay Gajanan

Pawade, Secretary of Agricultural Produce Market Committee stating that the respondent/employee would be provided work/employment whenever there is a requirement of engaging any employee. It is further stated that the employer would not engage any other employee except the respondent/employee on availability of the work.

4. As the proceedings are pending before the subordinate Court, in my view, it would not be appropriate to delve into the issue raised by the parties.

5. Accepting the undertaking given on behalf of the petitioners/ employer, following order is passed to subserve the ends of justice.

i) The impugned orders are set aside.

ii) The undertaking given by the petitioners/ employer that the respondent / employees would be employed/ engaged on availability of work and unless the respondents/ employees are engaged, no other employee would be engaged, is accepted.

The writ petition is disposed in the above terms. In the circumstances, the parties to bear their own costs.

The Labour Court is directed to expedite the matter.

JUDGE