

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

WRIT PETITION NO.6309 OF 2018

Bhiwandi Nizampura City Municipal Corporation and Anr.	... Petitioners
Versus	
Balkrishna Atmaram Jadhav and Ors.	.. Respondents

**ALONG WITH
WRIT PETITION NO.5869 OF 2018**

Bhiwandi Nizampura City Municipal Corporation and Anr.	... Petitioners
Versus	
Ravindra Pratap Sonawane and Ors.	.. Respondents

**ALONG WITH
WRIT PETITION NO.5885 OF 2018**

Bhiwandi Nizampura City Municipal Corporation and Anr.	... Petitioners
Versus	
Nitin Punjabrao Jamnikar and Ors.	.. Respondents

**ALONG WITH
WRIT PETITION NO.5895 OF 2018**

Bhiwandi Nizampura City Municipal Corporation and Anr.	... Petitioners
Versus	
Vijay Vitthal Padmere and Ors.	.. Respondents

**ALONG WITH
WRIT PETITION NO.5897 OF 2018**

Bhiwandi Nizampura City Municipal Corporation and Anr.	... Petitioners
Versus	
Muktabai Tukaram Bharmal and Ors.	.. Respondents

**ALONG WITH
WRIT PETITION NO.6055 OF 2018**

Bhiwandi Nizampura City
Municipal Corporation and Anr. ... Petitioners
Versus
Sarlabai Ananda Suryavanshi and Ors. .. Respondents

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Mr. Ashutosh Gole for petitioners in all matters.

Mr. Ravindra B. Nair for respondent Nos. 1 to 19 in WP/6309/2018, respondent Nos.1 to 4 in WP/5869/2018, respondent Nos.1 to 9 in WP/5885/2018, respondent Nos.1 to 7 in WP/5895/2018, respondent Nos.1 to 8 in WP/5897/2018, respondent No.1 in WP/6055/2018.

Mrs. V.S. Nimbalkar, A.G.P. for respondent Nos.20 & 21 in WP/6309/2018, respondent Nos.5 & 6 in WP/5869/2018, respondent Nos.10 & 11 in WP/5885/2018, respondent Nos.8 & 9 in WP/5895/2018, respondent Nos.9 & 10 in WP/5897/2018, respondent Nos.2 & 3 in WP/6055/2018.

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CORAM : M. S. KARNIK, J.

DATE : 10th APRIL, 2019.

P. C.:

1. Rule. Rule is made returnable forthwith by consent of the parties and heard finally.

2. The petitioners by these petitions filed under Articles 226 and 227 of the Constitution of India, are challenging an order dated 30th November, 2017 passed by the Industrial Court below Exhibit U-2.

3. The respondents had approached the Industrial Court and sought interim reliefs against the petitioners restraining them from terminating the services of the respondents. The respondents are working in various capacities with the petitioner Corporation. The respondents were recruited pursuant to the advertisement dated 26.08.2011 after following due process by the petitioners. In the selection process carried, the respondents came to be appointed to the said posts. According to the petitioner, the selection process was illegal and unlawful on the basis of the complaint made. Almost 149 workers who were selected in the selection process of 2011 including the respondents were sought to be terminated, and therefore they approached the Industrial Court by filing the complaint.

4. The Industrial Court considered the application filed by the respondents for grant of interim relief. The Industrial Court found that though the petitioners did not have any grievance against the selected candidates, but on the basis of the complaint it was found that the procedure adopted by the selection committee was tainted and irregularities noticed. The respondents were appointed pursuant to the advertisement after due selection process by the petitioners Corporation.

The respondents worked for several years. It is thereafter on the basis of the complaint that services of the respondents were likely to be terminated.

5. The Industrial Court was of the opinion that the question to be decided in the pending complaint was whether the whole selection is proper or illegal which can be decided at the time of decision of the complaint. Prima facie the Industrial Court found that the minimum requirement of the recruitment process appears to have been met. It is in this view of the matter, the Industrial Court found that the respondents have a prima facie case in their favour. The respondents are discharging their duties pursuant to the selection process. If in this view of the matter, the Industrial Court has restrained the petitioners from terminating the services of the respondents, I see no reason to interfere with the order passed by the Industrial Court below Exhibit U-2 during the pendency of the complaint in the exercise of writ jurisdiction.

6. However, considering and taking an over all view of the matter, I am inclined to request the Industrial Court to decide the main complaint expeditiously and preferably within a period of one year from the date of uploading of this order.

7. The Writ Petitions are dismissed. Rule is discharged with no order as to costs.

(**M. S. KARNIK, J.**)