

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

Writ Petition No.2495 of 2016
(Kanhaiya Hariprasad Jaiswal .vs. Commissioner, Amravati Municipal Corporation, Amravati)

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

Court's or Judge's orders.

Mr. A.P. Chaware, Advocate for Petitioner.
Mr. J.B. Kasat, Advocate for Respondent.

CORAM : Manish Pitale, J.
DATED : January 04, 2019.

By this writ petition, the petitioner has challenged order dated 19.12.2015 passed by the Labour Court, Amravati, rejecting application for stay and order dated 01.03.2016 passed by the Industrial Court, Amravati, rejecting revision petition filed by the petitioner against the order of rejection of stay.

2. The petitioner was initially working on daily wages as truck driver with the respondent and thereafter he was working as a Videographer in the Encroachment Department of the respondent. It was the case of the petitioner in his complaint filed before the Labour Court at Amravati that the respondent had indulged in unfair labour practices and that his services had been illegally terminated on 11.06.2015. On this basis, the petitioner claimed that the respondent had committed unfair labour practice under the provisions of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. Along with the complaint, the petitioner had filed an

application for stay of the order of termination dated 11.06.2015.

3. By impugned order dated 19.12.2015 the Labour Court at Amravati, rejected the application for stay, holding that the petitioner had failed to make out a *prima facie* case in his favour. The petitioner preferred a revision petition before the Industrial Court at Amravati, which also stood rejected by impugned order dated 01.03.2016, as the Industrial Court agreed with the reasoning of the Labour Court. While passing the impugned order dated 01.03.2016, the Industrial Court directed that the complaint itself be disposed of within a period of six months.

4. The petitioner has approached this Court challenging the said orders of the Labour Court and the Industrial Court. In the present writ petition, notice was issued on 29.04.2016. It is informed by the learned counsel for the petitioner that despite the direction given by the Industrial Court to decide the complaint within a period of six months, the Labour Court has not decided the complaint and that only issues have been framed.

5. Considering the fact that the present writ petition has been pending since 29.04.2016 and there has been no interim order in favour of the petitioner since the time he had filed the complaint before the Labour Court, it would be in the interest of justice that this writ petition itself is disposed of with a direction to the Labour Court, Amravati, to finally decide the complaint filed by the petitioner within the stipulated period of time.

6. Accordingly, this writ petition is disposed of with a direction to the Labour Court at Amravati, to decide the complaint ULP No. 31 of 2015 within a period of three months from today. Needless to say that the contentions raised by the parties are kept open and this Court has made no observations on the contentions of the respective parties.

7 Writ petition is disposed of.

JUDGE

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