

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

WRIT PETITION NO.3144/2019

Ramesh Dashrath Gawande

..Vs..

Zilla Parishad, Yavatmal and another

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 the petitioner.

CORAM : Z.A. HAQ, J.

DATED : 3.7.2019.

Heard.

The petitioner / employee has challenged the interlocutory order passed by the Industrial Court by which the prayer made by the petitioner for interim relief is rejected.

The petitioner has filed complaint under Section 28 of the Maharashtra Recognition Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short "the Act of 1971") before the Labour Court contending that he is entitled for regular pay-scale. In this complaint, the petitioner / employee had filed an application under Section 30(2) of the Act of 1971 praying for interim relief that during the pendency of the complaint, the employer be directed to pay him salary as per the prescribed pay-scale for the post of Driver.

The Industrial Court has recorded that the appointment of the complainant is contractual and he is being paid as per the terms of contract. I find that the

conclusions of Industrial Court are in consonance with the legal position that interim relief of such nature which has the effect of granting final relief should not be granted. If the complainant succeeds, the Industrial Court will be passing appropriate orders regarding entitlement of the petitioner / employee for the difference of amount.

Hence, I see no reason to interfere with the impugned order. The writ petition is **dismissed**. No costs.

JUDGE

Tambaskar.