

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

WRIT PETITION NO.4336/2018

BIBHISHAN S/O SHESHRAO PAWAR

Vs.

MAHARASHTRA STATE ROAD TRANSPORT CORPORATION THROUGH ITS
DIVISIONAL CONTROLLER, MSRTC, AND ANOTHER.

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

Court's or Judge's Orders.

Shri C.V.Jagdale, Advocate for petitioner.
Shri V.G.Wankhede, Advocate for respondents

CORAM : A.S.CHANDURKAR, J.

DATED : July 02, 2019

In view of notice for final disposal issued earlier, learned counsel for the parties have been heard at length.

The challenge in the present writ petition is to the interlocutory adjudication at the hands of the Labour Court and thereafter by the Industrial Court. In the light of the alleged misconduct said to be committed by the petitioner a show cause notice dated 23.12.2017 was issued to the petitioner. Being aggrieved, the petitioner filed a complaint under Section 28 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. He sought interim relief in that complaint so as to restrain the Corporation from proceeding further on the basis of the show cause notice. The Labour Court refused to grant any interim relief. The Industrial Court in its revisional jurisdiction did not interfere with the said order, but granted time to the petitioner to approach this Court. In the present writ petition, on 18.07.2018 interim stay was granted extending protection that was operating.

Shri C.V.Jagdale, learned counsel for the petitioner submits that in somewhat similar circumstances, this Court has directed expeditious disposal of the complaint by continuing the interim protection as granted. He has referred to the orders passed in the Writ Petition No. 4318/2016 (Ashok Suryabhan Urkude Vs. Mah.State Road Transport Corporation and another) decided on 29.07.2016 and Writ Petition No.2207/2016 (Vinayak G.Pawar Vs. Mah.State Road Transport Corporation and another) decided on 17.07.2017.

Shri V.G.Wankhede, learned counsel for respondent no.1 submits that the interim relief has been refused after considering the facts of the case. He however does not dispute that similar orders have been passed in other complaints. According to him, those orders should continue to operate without prejudice to the rights of the Corporation.

Accordingly, the writ petition is disposed of by passing following order :

- (i) The proceedings in Complaint U.L.P. No.1/2018 are expedited. The complaint be decided within three months from today.
- (ii) The interim protection granted on 18.07.2018 shall continue to operate without prejudice to the rights of the parties.
- (iii) The complaint shall be decided on its own merits without being influenced by this interim arrangement. All contentions on merits are kept open.

The writ petition is disposed of. No costs.

JUDGE