

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

WRIT PETITION NO. 397 OF 2020

M/s. Seva Automotive Pvt. Ltd. through its General Manager and another
vs.

Smt. Kavita w/o Dilip Kapse and others

WRIT PETITION NO. 398 OF 2020

M/s. Seva Automotive Pvt. Ltd. through its General Manager and another
vs.

Smt. Shobha w/o Yashwant Rangari and others

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

Court's or Judge's orders

Shri. M. R. Puranik, counsel for petitioner.
Shri. V. P. Marpakwar, counsel for respondent No.1.

CORAM : MANISH PITALE J.

DATED : 13/03/2020

These writ petitions have arisen out of interim orders granted in favour of the respondent employees.

2. The respondent employees have filed complaints before the Labour Court at Nagpur against the petitioners herein claiming that their services were illegally terminated by the petitioners. Along with the complaints, the respondent employees had filed applications for grant of interim relief. These applications were allowed by the Labour Court and challenge raised to the said orders before the Industrial

Court by the petitioners by filing revision applications was repudiated and the interim orders stood confirmed.

3. It is the case of the petitioner that the respondent employees are not justified in claiming that their services were orally terminated and that in fact they had resigned from their duties. Copies of the resignation letters were placed on record before the Courts below, as well as this Court.

4. On 21/01/2020, this Court took note of the aforesaid facts and by referring to various judgments, while issuing notice, this Court granted ad-interim protection to the petitioner in the following manner :-

“5. In view of the above, issue notice to the respondents, returnable on 02/03/2020. Until then, both the impugned orders/ judgments shall stand stayed. However, considering the law laid down in the case of **The Narsinggirji Mills vs. Abdul Rashid Ladlesab Shaikh and others, 1993 II CLR 866**, the petitioners shall deposit 50% of the last drawn wages of the original complainant before the Labour Court from 01/11/2019 onwards, on or before 05/02/2020, as a condition for granting ad-interim protection.”

5. It is undisputed that the petitioner has deposited 50% of the last drawn wages of the respondent employees from 01/11/2019 onwards.

6. The learned counsel for the petitioners has

contended that the nature of interim relief granted by the Labour Court in favour of the respondent employees amounts to granting final relief at interim stage and that therefore, the orders are not sustainable.

7. On the other hand it is submitted on behalf of the respondent employees that the contentions raised on behalf of the petitioners would have been appropriate in a case where there was allegation of misconduct, while in the present case there was no such allegation against the respondent employees.

8. Be that as it may, this Court is of the opinion that the controversy between the parties can be put to rest, if appropriate directions are given to the Labour Court to dispose of the complaints in an expeditious manner. In the meanwhile, since the interim order granted by the Labour Court was effectively stayed by this Court on the condition that the petitioner deposits 50% of the last drawn wages as noted above and the petitioners have indeed deposited the said amount before the Labour Court, it would be in the interest of justice that the writ petitions are disposed of by continuing the interim order granted by this Court and the Labour Court is directed to expeditiously dispose of the complaints.

9. It would also be in the interest of justice that the respondent employees are permitted to withdraw amounts deposited by the petitioners before the Labour

Court in pursuance of orders dated 21/01/2020 passed by this Court.

10. In view of the above, the writ petitions are disposed of by continuing the interim orders granted by this Court on 21/01/2020, till the disposal of the complaints filed by the respondent employees before the Labour Court.

11. The aforesaid Court is directed to expeditiously dispose of the complaints filed by the respondent employees. The complaints shall be disposed of in any case within a period of **three months** from today.

12. The respondent employees are permitted to withdraw the amounts deposited by the petitioner before the Labour Court, in pursuance of order dated 21/01/2020 passed in these writ petitions, subject to the final result of the complaints filed by respondent employees.

13. The writ petitions are disposed of in above terms. No order as to costs.

JUDGE