

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

WRIT PETITION NO. 1376 OF 2020

Chief Executive Officer, Zilla Parishad, Amravati

vs.

Ku.Savita Nagoraoji Khankhane

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

Court's or Judge's orders

Shri. J. B. Kasat, counsel for petitioner.

Shri. N. R. Saboo, counsel for sole respondent.

CORAM : MANISH PITALE J.

DATED : 11/03/2020

By this writ petition, the petitioner Zilla Parishad has challenged an order dated 25/11/2019 passed by the Industrial Court, Maharashtra, Amravati Bench, whereby an application for interim relief at Exh.U-2 is decided in favour of the respondent.

2. By the complaint filed before the Industrial Court, the respondent has challenged transfer order dated 30/10/2019. It is claimed by the respondent that the transfer order is punitive in nature and being in mid session it is wholly unjustified and needs to be quashed and set aside. In the complaint, the respondent had filed an application Exh.U-2, seeking interim stay of the transfer order during the pendency of the complaint. This application was opposed on behalf of the petitioner herein.

3. The Industrial Court took into consideration the material available on record and by applying the test of prima facie case, grave and irreparable loss and balance of convenience, came to the conclusion that a case for grant of interim stay was made out. Accordingly by impugned order dated 25/11/2019, the effect and operation of the transfer order dated 30/10/2019 was stayed during the pendency of the complaint.

4. Various grounds of challenge have been raised by the petitioner and the learned counsel appearing for the petitioner has vehemently contended that the impugned order deserves to be set aside. But, this Court is of the opinion that it would be in the interest of justice that the complaint itself is directed to be decided in an expeditious manner by the Industrial Court.

5. This Court is also of the opinion that the view adopted by the Court below in the impugned order by applying the classic test for grant of interim relief cannot be said to be erroneous.

6. In view of the above, the writ petition is dismissed. The Court below i.e. Industrial Court, Amravati is directed to taken up the complaint itself for consideration and final disposal at the earliest. The Industrial Court shall make an endeavor to dispose of the complaint expeditiously and in any case within a period of **six weeks** from today. The parties are directed to

cooperate with the Industrial Court for disposal of the complaint within the aforesaid period of time.

7. Needless to say the complaint shall be decided by the Industrial Court without being influenced by the findings given in the impugned order, as well as the observations made in the present order.

JUDGE