

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

WRIT PETITION NO. 6297 OF 2016

(Amravati Municipal Corporation through its Commissioner...vs.. Rajesh Giridharrao
 Kichambare)

*Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.*

Court's or Judge's orders.

 Shri A.P. Kalmegh, Advocate for petitioner.
 Shri R.D. Watkode, Advocate for respondent.

CORAM: RAVINDRA V. GHUGE, J.

DATE: 7th JANUARY, 2020.

1. The petitioner Municipal Corporation is aggrieved by the interlocutory order dated 23.9.2016, by which the Industrial Court, Amravati has granted application Exh. C-2 in Revision (ULP) No. 22 of 2016 by staying the judgment of the Labour Court only to the extent of 50% back wages. The order of reinstatement granted by the Labour Court vide the said judgment dated 29.6.2016 in Complaint (ULP) 1 of 2005, has not been stayed.

2. Contention of the petitioner is that the Industrial Court has granted interim relief which is in the nature of a final relief. Reliance is placed upon the judgment delivered by the Hon'ble Apex Court in the matter of *Hyderabad Metropolitan Water Supply & Sewerage Board & Ors..vs..P. Satyanarayana Rao & Ors, 2009-III-LLJ-572(SC)* and the judgment delivered by the Nagpur Bench in the matter of *Executive Engineer, MSEB, Morshi & Anr ..vs.. Industrial Court, Amravati & Anr, 2001(3)Mh.L.J.320.*

3. I do not find that the submission of the learned Advocate for the petitioner could be accepted. The Industrial Court has not granted interim relief to the respondent original complainant. The Labour Court has delivered a final judgment allowing the ULP complaint, filed by the original complainant. The Industrial Court has only balanced the equities by staying the order of payment of back wages. As such, it does not amount to the Industrial Court granting interim relief to the original complainant in the nature of a final relief.

4. However, though, the notice for final hearing was issued by this Court on 25.10.2016, the respondent original complainant has not sought the execution of the judgment of the Labour Court to the extent of seeking his reinstatement. Consequentially, he is not reinstated for the past about 3 years and 4 months. So also, his termination is dated 31.12.2004 and he is out of employment since then.

5. In view of the above, this petition is disposed off. As the parties have maintained status-quo as existing earlier, the same status-quo would be continued till 20.3.2020. The litigating sides would appear before the Industrial Court in Revision ULP No. 22/2016, on 3.2.2020 and they would conclude their oral submissions on or before 7.2.2020. Written notes of submissions are permitted. Thereafter, the Industrial Court would endeavour to deliver its judgment on or before 20.3.2020.

(Ravindra V. Ghuge, J.)