

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

Writ Petition No. 7169 of 2016
Nagar Parishad Pusad Vs. Jubedabai Sheikh and others

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

Court's or Judge's orders

Mr. Pushkar Ghare h/f Mr. A.M. Ghare, Advocate for the petitioner
Mrs. H.N. Prabhu, AGP for the respondents No.3, 4 & 5

CORAM : MANISH PITALE, J.

DATED : JANUARY 22, 2020

By this writ petition, the petitioner Municipal Council, Pusad has challenged the interim order passed by the Industrial Court in favour of the respondent No.1 – employee.

2. The respondent No.1 has filed a complaint before the Industrial Court, under the provisions of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (M.R.T.U. & P.U.L.P. Act), claiming that the petitioner has indulged in unfair labour practice under Items 5, 6 and 9 of Schedule 4 of the said Act. In the said complaint, respondent No.1 filed application for grant of interim relief under Section 30(2) of the said Act.

2. After considering the material on record, the Industrial Court came to a conclusion that the

respondent No.1 was successful in making out a strong *prima facie* case regarding unfair labour practice by the respondent and that the balance of convenience was also in his favour. On this basis, the petitioner was restrained from terminating service of respondent No.1 during pendency of the complaint. Notice was issued in this petition on 23/12/2016, for final disposal and no interim relief was granted by this Court.

3. Today, when the writ petition is called out for hearing, the learned counsel for the petitioner submitted that the office objection could be removed if some time is granted. But, considering the fact that the interim order granted by the Industrial Court in favour of the respondent No.1 is operating since 12/08/2016, it would be in the interest of justice that the impugned order is not interfered with and direction is given to the Industrial Court to dispose of the complaint itself in an expeditious manner. Even otherwise, this Court does not find any specific error committed by the Industrial Court while passing the impugned interim order in favour of respondent No.1.

4. In view of above, the writ petition is dismissed. The Industrial Court is directed to dispose of the complaint filed by respondent No.1 as expeditiously as possible and in any case within a period of four months from today.

4. Needless to say, any observations made by this Court in the present order shall not influence the Industrial Court while deciding the complaint of respondent No.1 on its own merits.

JUDGE

MP Deshpande