

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD**

906 WRIT PETITION NO.5243 OF 2021

**TUSHAR VINAYAKRAO GAVHANE
VERSUS
M/S LOKVIKAS NAGAR SAHAKARI BANK LTD AURANGABAD**

...
Advocate for Petitioner : Mr. Thombare S.S. h/f Mr.Karad Murlidhar S.
...

AND

907 WRIT PETITION NO.5244 OF 2021

**ASHWINI DEVIDASRAO ADHANE
VERSUS
M/S LOKVIKAS NAGAR SAHAKARI BANK LTD AURANGABAD THR ITS
CHIEF EXECUTIVE OFFICER**

AND

908 WRIT PETITION NO.5264 OF 2021

**CHAYA BHIKAN KACHOLE
VERSUS
LOKVIKAS NAGAR SAHAKARI BANK LTD. THR ITS CHIEF EXECUTIVE
OFFICER**

CORAM : N. J. JAMADAR , J.
Date :- 24th March, 2021.

P. C. :

1. Heard the learned counsels for the petitioners.
2. The challenge in these petitions is to the orders passed by the Industrial Court, on 17th February, 2021, in Revision Petition Nos. (ULP) No. 38 of 2020, (ULP) No. 41 of 2020 and (ULP) No. 33 of 2020, whereby the Industrial Court dismissed the Revision Petitions, preferred by the petitioners herein, against the orders dated 2nd December, 2020 passed by the Labour Court on the applications for interim relief (Exh. U-2) in the complaint (ULP)

No. 34 of 2020, (ULP) No.44 of 2020 and (ULP) No. 46 of 2020, whereby, the prayer of the respective petitioners herein for the reinstatement till the final disposal of the complaints came to be rejected.

3. Mr. Tushar, the petitioner in Writ Petition No. 5243 of 2021 came to be appointed as an 'Officer' with the respondent Bank, with effect from 6th November, 2018. He was made permanent with effect from 1st February, 2020, by order dated 3rd February, 2020. Ms. Ashwani and Mrs. Chhayya, the petitioners in Writ Petition No. 5244 of 2021 and Writ Petition No. 5264 of 2021 respectively, were appointed as 'Clerks' with effect from 9th November, 2018, and 6th November, 2018 and permanency was conferred on them with effect from 1st February, 2020.

4. The services of the petitioners were, however, terminated by order dated 7th November, 2020, solely on the basis of the letter dated 4th November, 2020, issued by the Commissioner and Registrar of Co-Operative Societies Pune, whereby, it was directed that the appointments of employees who were recruited by the respondent -Bank in the recruitment process, 2018, be cancelled.

5. The petitioners contend that the said action of the respondent-Bank is legally unsustainable. The petitioners, thus, filed the above numbered complaints before the Labour Courts, wherein, interim-relief in the nature of reinstatement was sought.

6. The interim relief was refused as it would amount to granting the final relief as the legal position is crystallized to the effect that the

reinstatement by way of interim relief is not permissible. The Industrial Court declined to interfere with the orders passed by the Labour Court.

7. No fault can be found with the orders passed by the Labour and Industrial Court. Grant of interim relief of reinstatement, at this stage, would amount to granting the main relief in the complaints.

8. In the aforesaid backdrop, the learned counsel for the petitioners submits that the interest of the petitioners, who are out of the employment, on account of unsustainable order passed by the respondent, would be served, if the Labour Court is directed to hear and decide the complaints filed by the petitioners, expeditiously.

9. Having regard to the nature of the impugned order, which singularly draws support and sustenance from the communication of the Commissioner and Registrar of Co-Operative Societies, Pune, it appears expedient that the complaints be heard and decided expeditiously. The controversy seems to be in a narrow compass.

10. In view of the above, the petitions stand disposed of with a request to the Labour Court to hear and decide the aforesaid complaints, as expeditiously as possible, and preferably within a period of four months from the date of appearance of the parties.

11. The parties shall appear before the Labour Court on 5th April, 2021.

12. The parties shall render necessary co-operation to the Court in expeditious hearing and disposal of the complaints and shall not seek adjournments.

13. It is hereby made clear that this Court has not entered into the merits of the case and the Labour Court shall decide the complaints on their own merits uninfluenced by aforesaid observations and the observations recorded in the orders impugned herein as well.

(N. J. JAMADAR)
JUDGE

mahajansb/