

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.13343 OF 2017

M/S G B B INDUSTRIES THROUGH PARTNER G. B. BIRADAR
VERSUS
NILESH SAKHARAM DHAYADE

WITH
WRIT PETITION NO.13349 OF 2017

M/S G B B INDUSTRIES THROUGH PARTNER G. B. BIRADAR
VERSUS
DIPAK ASARAM DABHADE

WITH
WRIT PETITION NO.13386 OF 2017

M/S G B B INDUSTRIES THROUGH PARTNER G. B. BIRADAR
VERSUS
SATISH VIJAY MAHALE

Mr.Anand Chawre, Advocate for the petitioner.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : FEBRUARY 23, 2021

PER COURT :

1. The learned Advocate for the petitioner/Management submits that Writ Petition No.13386/2017 is rendered infructuous as the original Complaint (ULP) No.334/2015 filed by the sole respondent, has been dismissed in default and no restoration proceedings have been served on the petitioner as on date.

2. As such, this petition is disposed off with the observation that in the event the said complaint is restored to its original stage, the same shall be decided as expeditiously as possible, and in any case, on or before 30/06/2021, by the Industrial Court, Aurangabad.

3. In so far as Writ Petition Nos. 13343/2017 and 13349/2017 are concerned, the petitioner/Management has challenged an interlocutory order dated 04/03/2017 passed by the Industrial Court, Aurangabad in Complaint (ULP) Nos.335/2015 and 339/2015, below Exh.U-2. The Industrial Court has directed the petitioner to allow the original complainant to resume duties and the Management is further restrained from changing the service conditions of the petitioner without following the due procedure of Law.

4. Both these petitions have been pending in this Court for about 3 years and 8 months. The learned Advocate for the Management submits that these two respondents have indulged in vandalism.

5. It requires no debate that the impugned interlocutory order does not restrain the Management from following the service conditions in relation to disciplinary action during the pendency of the complaint. No employee is insulated against mis-conducts only on the ground of ad-interim

protection granted by the Industrial Court.

6. In view of the above, it would be advantageous to direct the Industrial Court to decide both the complaints since they are in the 6th year of pendency.

7. In view of the above, both these petitions are also disposed off and the Industrial Court is directed to decide Complaint (ULP) Nos.335/2015 and 339/2015, as expeditiously as possible, and in any case, on or before 30/06/2021.

(RAVINDRA V. GHUGE, J.)