

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

WRIT PETITION NO. 1352 OF 2018

Pralhad Thavrya Chavhan Vs. Uday Sitaram Chavhan and another

WITH

WRIT PETITION NO. 876 OF 2018

Commissioner, Municipal Corporation City of Amravati Vs. Uday Sitaram
Chavhan and another

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

Court's or Judge's orders.

WP 1352/2018

Shri S.M. Vaishnav, Advocate for petitioners.

Shri A.P. Kalmegh, Advocate for respondent No.2.

WP 876/2018

Shri A.P. Kalmegh, Advocate for petitioner.

Shri S.M. Vaishnav, Advocate for respondent No.2.

CORAM : V.M. DESHPANDE, J.

DATE : 8th APRIL, 2021.

Hearing was conducted through video conferencing and the learned counsel agreed that the audio and visual quality was proper.

(2) Both these writ petitions can be disposed of by this common order and for disposing of these writ petitions presence of counsel of respondent no.1 in both writ petitions is not necessary, since the Court is not passing any adverse order against him.

(3) In Writ Petition No.1352 of 2018, Shri S.M. Vaishnav, learned counsel is appearing for petitioner and Shri A.P. Kalmegh, learned counsel is appearing for

respondent no.2. Shri N.R. Saboo, learned counsel for respondent no.1, in both writ petitions, is absent.

In Writ Petition No.876 of 2018, Shri A.P. Kalmegh, learned counsel is appearing for petitioner and Shri S.M. Vaishanv, learned counsel is appearing for respondent no.2.

(4) Both writ petitions arise out of the interim order passed by the learned Member of the Industrial Court, Amravati below Exhibit U-2 in Complaint (ULP) No.91 of 2015. By this order learned Member of the Industrial Court, Amravati allowed the application for interim relief filed on behalf of Uday Sitaram Chavhan (respondent no.1 in these both writ petitions)

(5) Respondent no.1-Uday Sitaram Chavhan approached to the Industrial Court by filing Complaint (ULP) No.91 of 2015 challenging the order of reversion dated 29.09.2015 passed by the Commissioner, Municipal Corporation, Amravati reverting him from the post of Senior Clerk to Junior Clerk. The application was contested by the petitioner in these two petitions and the Court, after hearing the learned counsel of the respective parties, allowed the application for interim relief filed on behalf of respondent no.1-Uday Sitaram Chavhan by the impugned order.

(6) Notices in these writ petitions were issued in the year 2018, however no interim relief was granted in favour of the petitioner, therefore, respondent no.1- Uday Sitaram Chavhan is still holding the post of Senior Clerk. At this stage, learned counsel for the petitioners Shri S.M. Vaishnav and A.P. Kalmegh submit that the complaint of respondent no.1-Uday Chavhan before the Industrial Court i.e. Complaint (ULP) no.91 of 2015 is now fixed for evidence.

(7) Since order impugned in these writ petitions is passed on 24.10.2017 and there was no interim relief of stay to the parties in these two writ petitions right from 2018 and complaint filed by respondent no.1 is waiting for final verdict from the Industrial Court, Amravati, I propose to pass following order:

ORDER

(i) Writ Petition Nos. 1352 of 2018 and 876 of 2018 are disposed of with a direction to the learned Member of the Industrial Court, Amravati to decide Complaint (ULP) No.91 of 2015 pending on its file within a period of six months from the date of receipt of this order.

(ii) The parties are directed to maintain status quo in respect of the post of Uday Sitaram Chavan and Pralhad Thavrya Chvhan till decision of the complaint on its own merits.

(iii) The writ petitions are disposed of without observing anything on merits and demerits of these writ petitions. No order as to costs.

(iv) Since main Writ Petition No.1352 of 2018 is disposed of nothing survives in Civil application No.4981 of 2021. Hence, Civil application is also disposed of.

JUDGE

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