

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

WRIT PETITION NO.808 OF 2020

The Buldana District Central Co-
Op. Bank Limited, Buldana,
Through its Chief Executive Officer,
Head Office, Buldana, Tah and
Distt. Buldana

...PETITIONER

...V E R S U S...

Rajesh s/o Sambhapa Sadavarte,
Aged about 40 years, Occ: Nil.,
R/o Chintamani Mandir, Keshav Nagar,
Khamgaon, Tq. Khamgaon,
District Buldhana.

...RESPONDENT

Shri A.P. Wachasundar, Advocate for petitioner.
Shri P.N. Varma, Advocate for respondent.

CORAM:- V. M. DESHPANDE, J.
DATED :- 1st MARCH, 2021.

ORAL JUDGMENT

Rule. Rule is made returnable forthwith. Heard finally
by consent of the parties.

(2) Heard Shri A.P. Wachasundar, learned counsel for the
petitioner and Shri P.N. Varma, learned counsel for the
respondent.

(3) By filing this writ petition the petitioner is challenging
the order passed by the learned Member of the Industrial Court,
Akola below Exhibit-C-2 in Revision (ULPA) No.58 of 2018

whereby the Court below partly allowed the application below Exhibit-C-2 and stayed the grant of back wages only. Against the interim order, this writ petition is filed.

(4) The revision filed by the petitioner-Bank is still pending before the learned Industrial Court at Akola. The respondent was working as an employee of the petitioner-Bank from 2002. He was appointed by appointment order dated 21.01.2002 and he was dismissed from the service by the petitioner on 24.04.2010. The respondent, therefore, filed a complaint before the learned Labour Court at Buldana vide Complaint (ULP) No.11 of 2015. One of the contentions that were advanced before the said Court on behalf of the petitioner that the respondent failed to produce the caste validity certificate to show that he belongs to Scheduled Caste. The learned Judge of the Labour Court after a full dressed trial found that the petitioner has engaged in unfair labour practices under Item 1(a), (b), (f) and (g) of Schedule IV of the Maharashtra Recognition of Trade Unions And Prevention Of Unfair Labor Laws Practices Act, 1971 and set aside the order of termination dated 24.04.2010 and directed the petitioner to pay 50% back wages.

(5) Against the said, the petitioner filed a revision and also an application for interim relief (Exhibit C-2). After hearing the learned counsel for the petitioners, the learned Judge of the Industrial Court partly allowed the application for interim relief since the said Court only stayed the direction to the petitioner to pay 50% back wages.

(6) Though before this Court the petitioner contended that the respondent was appointed in a reserved category, the appointment order is silent on that issue.

(7) The revision filed on behalf of the petitioner is still pending. Therefore, any finding in respect of the question as to whether the respondent was appointed under the reserved post or not will surely prejudice both the petitioner as well as respondent. Therefore, the interest of justice demands to decide the revision as expeditiously as possible. Consequently, I pass the following order:

ORDER

- i) The writ petition is dismissed.
- ii) The learned Member of the Industrial Court, Akola shall decide the Revision (ULP) No.58 of 2018 as expeditiously

as possible and within a period of 2 ½ months from 09.03.2021.

iii) The parties are directed appear before the learned Member of Industrial Court, Akola on 09.03.2021.

Rule is discharged. No order as to costs.

JUDGE

Wagh