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

WRIT PETITION NO.2687 OF 2019

PETITIONER	:		Sau. Rekha w/o Sanjay Jamnik, Age about 42 years, Occpn. Service, r/o Indira Nagar, Barshitakli, Tq. Barshitakli, Distt. Akola.
			VERSUS
RESPONDENTS	:	1.	Block Development Officer Panchayat Barshitakli, Tq. Barshitakli, Distt. Akola.
		2.	Th Chief Executive Officer, Zilla Parishad, Akola.
		3.	The Secretary, Gram Vikas & Jal Sandharan Vibhag, Mantralaya, Mumbai.

Ms. P. P. Chobe, Advocate for Petitioner
Shri. A. S. Deshpande, Advocate for the Respondent Nos.1 and 2

CORAM	**:**	**N. B. SURYAWANSHI, J.**
DATE	**:**	**08.10.2021.**

ORAL JUDGMENT

RULE. Rule made returnable forthwith. Heard finally with the consent of the parties.

2. This petition challenges the orders passed by the Industrial Court, Akola below Exh-U-9 (Annexure-10), Exh-U-13 (Annexure-13) and Exh-U-14 (Annexure-16) in Complaint ULP No.179 of 2015, thereby rejecting the amendment Applications and review Application filed by the Petitioner.

3. The Petitioner filed the Complaint seeking relief of bringing her on CRT from 01.09.2013 and for getting permanency alongwith consequential benefits. By interim order dated 11.08.2016 (Annexure-3) passed below Exh-U-2, the Industrial Court, Akola, directed the Respondents to allow the Petitioner to sign on attendance register and to pay the wages each month on or before 7th day of each month.

4. The order granting interim relief was challenged by the Respondents by filing Writ Petition No.914 of 2017. The petition was dismissed with a direction to the Industrial Court to decide the complaint within six months.

5. During the pendancy of complaint, the Petitioner filed Amendment Application (Exh-U-9) proposing the amendment that the Respondents have engaged in unfair labour practice by not making payment of wages to the Complainant from February-2015 to June-2017 and that the Complainant is entitled to get arrears of wages of Rs.1,83,456/- alongwith interest at the rate of 15% per annum. The said Application was dismissed by the Industrial Court by observing that the Complainant is already granted interim relief vide order passed below Exh-U-2, and therefore, there is no necessity to add further period and further amount in the complaint. If the Application is entertained, then after some days there shall be another application for amendment of wages for the further period. This order was not challenged by the Petitioner.

6. The Petitioner thereafter moved another Application (Exh-U-13) seeking amendment that since Writ Petition filed by the Respondents was dismissed by confirming the interim order, the Complainant is entitled to get the arrears of salary and attendance

from 11.08.2016 till date and arrears of salary of Rs.1,96,560/- alongwith 15% interest. His application was dismissed by the Industrial Court, Akola. Hence, the present petition.

7. The Petitioner thereafter moved an Application (Exh-U-14) seeking review of the order passed below Application (Exh-U-13), which was rejected upon merits by the Industrial Court on the ground that no case is made out for review and the complainant is having executable order. The Petitioner is aggrieved by the rejection of Applications.

8. Heard the learned Advocate for Petitioner and the learned Advocate for the Respondents.

9. The learned Advocate for Petitioner submitted that the Industrial Court ought to have allowed the amendment Application, as the petitioner is rendered remediless if she is not permitted to amend the complaint. She submits that no prejudice will be caused to the Respondents, if the amendment application is allowed. The Respondents would be

entitled to file written statement opposing the said contentions. She therefore submits that the impugned order cannot be sustained being unreasonable and it may be quashed and set aside.

10. On the other hand, the learned advocate for the Respondents submits that earlier Application for amendment filed by the Petitioner is rejected by giving cogent reasons. That order was never challenged by the Petitioner. The proceedings before the Industrial Court are directed to be decided within six months and Petitioner is prolonging the matter by filing various Applications, which are not tenable. He supports the order passed by the Industrial Court and states that there is no merit in the petition and the same may be dismissed.

11. It is not in dispute that by the order dated 11.08.2016 passed below Exh-U-2, interim relief is granted in favour of Petitioner. As per the interim order, the Respondents are directed to permit the Petitioner to sign the attendance register and to pay the wages each month, on or before 7th day of each

month. On a query, the learned Advocate for Petitioner states that the Petitioner is permitted to sign the attendance register, however, she makes a grievance that salary is not being regularly paid. It is also admitted position on record that the earlier amendment Application filed by the Petitioner was rejected on merits and that order is not challenged by the Petitioner. Admittedly, this Court has given direction to decide the complaint within stipulated time. It appears that the Petitioner is trying to prolong the matter before the Industrial Court.

12. The reasoning given by the Industrial Court while rejecting the Applications that the interim order passed in favour of the Petitioner is an executable order and the Petitioner is entitled to take steps against the said order, is just and proper. The Industrial Court has rightly come to the conclusion that the amendment proposed by the Petitioner is not necessary for adjudication of controversy involved in the main proceedings. In view of the directions of this Court, the Industrial Court was justified in rejecting the Applications filed by the Petitioner.

13. There is no merit in the challenge raised by the Petitioner to the impugned orders and no case is made out by the Petitioner to interfere in writ jurisdiction. The Writ Petition is therefore **dismissed**.

Rule discharged with no order as to costs.

(N. B. SURYAWANSHI, J.)

TAMBE