

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

WRIT PETITION NO.4377 OF 2022

**MUNICIPAL COUNCIL THROUGH ITS CHIEF OFFICER, SMT. MANISHA
VISHWAMBHAR WADEPALLI
VERSUS
UMABAI MARUTI BANSODE**

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Advocate for Petitioner : Mr. Abhijit S. More

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 25TH APRIL, 2022

PER COURT :

1. This petition impugns the order passed by the Industrial Tribunal, Latur, thereby allowing the application filed by the respondent and granting stay to the impugned termination order.

2. Respondent is serving with the petitioner as *Safai Kamgar* since 1988 on daily wages. Her case is that she has continuously worked for more than 240 days in each year, since year 1988 till 11-10-2021. By order dated 11-10-2021 her services were brought to an end, as she had completed 55 years of age. The respondent, therefore, approached the Industrial Tribunal by filing complaint ULP No.226/2021 challenging her termination. She filed application under Section 30(2) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971. The Tribunal has allowed the said interim

application. Hence, the present petition.

3. Admittedly, respondent has been working with the petitioner as *Safai Kamgar* since 1988. Thus, she has served for more than 25 years on the said post. In that view of the matter, the contention of the petitioner that, in view of the Government Resolution dated 20th April, 2020 (Exhibit-B), since she has not passed 4th Standard she is not entitled to continue in services, cannot be accepted. The Industrial Tribunal has rightly granted interim relief in favour of the respondent. No case is made out by the petitioner to interfere in the discretionary relief granted by the Tribunal in favour of the respondent. The petitioner has failed to make out any case to warrant interference in the extraordinary writ jurisdiction. The writ petition is, therefore, dismissed.

4. The Industrial Tribunal to expedite the hearing of the matter. It is made clear that observations in this order are *prima facie* and the Tribunal shall not be influenced by these observations while deciding the matter on its own merits.

(NITIN B. SURYAWANSHI, J.)