

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

WRIT PETITION NO.4692 OF 2021

SANJAY NIVRUTTI GHOGARE  
VERSUS  
THE SECRETARY (KARYAWAH),  
VIVEKANAND MEDICAL FOUNDATION AND RESEARCH CENTER AND  
ANOTHER

...  
Advocate for the Petitioner : Shri Shinde Manoj D.  
Advocate for the Respondents : Shri Natu Sharad V.  
...

**CORAM: SMT. BHARATI H. DANGRE, J.**

**DATE :- 03<sup>rd</sup> February, 2022**

**Per Court:**

1. Heard the learned counsel for the petitioner and the learned counsel for the respondents.
2. The petitioner is aggrieved by two orders passed against him and he place reliance upon the Model Standing Orders governing the establishment of the respondent, to press the relief sought by him in the petition.
3. Without going into minute details, suffice it to note that the petitioner's services as a Male Nurse came to be terminated without following the procedure of conducting the full fledged enquiry and this constrained him to file Complaint (ULP) No.23/2020 before the Labour

Court alleging unfair labour practices under Item 1(a), (b), (d), (f) and (g) of Schedule IV of the MRTU & PULP Act. In the said proceedings, the petitioner filed an application (Exhibit U-2) seeking stay to the order of termination. This application came to be rejected by a detailed reasoning recorded by the Labour Court on 20.11.2020 and this order is upheld by the Industrial Court, on the revision application being filed by the petitioner, vide order dated 12.02.2021.

4. Pertinent to note that the contention of the petitioner that he is permanent employee and could not have been terminated without following the due procedure of law prescribed for putting an end to the services of the permanent employees, is the fulcrum of his complaint before the Labour Court, when he allege that, by not following the said procedure, the respondents have committed unfair labour practice. His application for grant of stay has been rejected, but his Complaint (ULP) No.23/2020 is pending before the Labour Court. In case the Labour Court is in position to appreciate the argument of the learned counsel for the petitioner about unfair labour practices being committed by the respondent in not following the due procedure of law while putting end to his services, who claim to be confirmed employee appointed after following due process of law, he shall be entitled for reinstatement with full back wages and the Court may grant such a relief.

5. In the wake of the above, interest of justice would be better

served if the Labour Court is directed to culminate the proceedings in Complaint (ULP) No.23/2020 within a period of six months from today.

With the aforesaid direction, since no merit is found in the contention of the petitioner calling for interference in the impugned orders, the Writ Petition is disposed of.

6. At this stage, the learned counsel for the petitioner states that the observations of concluding nature are made by the two courts below in the impugned orders and while determining the complaint on merits, the said observations shall not come in his way.

I am ready to accept the said statement of the learned advocate and it is clarified that the observations made in the impugned orders while rejecting the application for grant of stay (Exhibit U-2) shall not come in the way of the petitioner while he seeks adjudication of the main complaint.

*kps*

( SMT. BHARATI H. DANGRE, J. )