

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6164 OF 2020
WITH WP/6172/2020 WITH WP/6165/2020 WITH WP/6168/2020
WITH WP/6171/2020 WITH WP/6166/2020 WITH WP/6167/2020
WITH WP/6169/2020 WITH WP/6170/2020 WITH WP/6173/2020

RAHUL PRAKASH OHOL
VERSUS
SHRI SAIBABA SANSTHAN VISHWASTA VYAVASTHA THROUGH IT'S
CHIEF EXECUTIVE OFFICER

Mr.P. V. Barde, Advocate for the petitioner.
Mr.S.V. Mundhe, Advocate for the respondent.

(CORAM : RAVINDRA V. GHUGE , J.)

DATE : MARCH 15, 2022

PER COURT :

1. In these petitions, all the petitioners are identically placed and are aggrieved by the same impugned order dated 20.02.2020.

2. I have perused the additional affidavit placed on record on behalf of these petitioners and the order dated 29.01.2016 delivered by the Hon'ble Supreme Court (3 Judges Bench) in **WP (Civil) No. 527/2011** filed by the **Trained Nurses Association of India Vs. the Union of India and others.**

3. The pending complaints before the Industrial Court have been lodged in 2018. By interim orders of the Court, these staff nurses have been protected and they are in employment of Shri Saibaba Sansthan, Shirdi. The pleadings before the Industrial Court are complete and the complaints could be decided expeditiously considering the peculiar grievance brought before the Court by the Staff Nurses and the order of the Hon'ble Apex Court dated 29.01.2016 wherein the statement on behalf of the Indian Nursing Council that the system of executing bonds by the Nurses with the private hospitals and Nursing Homes, has been abolished. The staff nurses before this Court were also required to execute bonds and were given appointments for 11 months.

4. As such, these petitions are disposed off with the following directions :-

[a] The disposal of these petitions shall not amount to this Court approving the view taken by the Industrial Court in the impugned orders dated 20.02.2020.

[b] Issues in these complaints shall be framed on or before 30.04.2022.

[c] The litigating parties shall adduce oral evidence in between

02.05.2022 till 30.07.2022.

[d] The petitioners are at liberty to lead common evidence through one staff nurse as their cases are identical and the rest shall file short affidavits adopting the said evidence. Same shall apply to the respondent / Management.

[e] The litigating parties would conclude their oral submissions on or before 30.08.2022 and the Industrial Court shall deliver its judgment on or before 21.10.2022.

5. Needless to state, these petitioners would be continued in their present service until the decision in the complaints. Needless to state, in the event of the parties coming together for arriving at an amicable settlement, they would be at liberty to do so.

6. In the event of a contest, all the contentions of the parties are kept open.

(RAVINDRA V. GHUGE, J.)