

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1204 of 2022

The Chief Officer of Phaltan Nagar
Parishad, Phaltan through Sanjay
Balasaheb Gaikwad .. Petitioner
Versus
Shri. Dada Maruti Bhosale .. Respondent

...

Mr.V.S. Talkute for the petitioner.

CORAM: RAVINDRA V. GHUGE, J.
DATED : 22nd FEBRUARY, 2022

P.C:-

- 1 The petitioner has put forth the following prayers :-
- (a) This Hon'ble High Court be pleased to issue writ of certiorari or writ in the nature of certiorari or any other appropriate writ, order of direction and thereby call for the record and proceedings of Judgment and Order dated 03-01-2022 passed by the Ld. Industrial Court, Satara below Exhibit C-2 in Criminal Revision (ULP) No. 03 of 2001 and after examining the legality, validity and propriety of the same, be pleased to quash and set aside the same, and further be pleased to allow the Petitioner's Application below Exhibit C-2;

- (b) Pending the hearing and final disposal of the present Writ Petition, the implementation, operation and execution of Order dated 16-09-2021 passed by the Ld. Labour Court, Satara below Exhibit U-1 in Criminal (ULP) No.10 of 2018, be stayed.
- (c) Pending the hearing and final disposal of the present Writ Petition, further proceedings in Criminal (ULP) No. 10 of 2018 pending on the file of the Ld. Labour Court, Satara be stayed;
- (d) Ad-interim/Interim relief in terms of prayer clause (b) and (c) above be granted.
- (e) Cost of the Petition be provided.
- (f) Any other appropriate reliefs in the facts and circumstances of the present case be granted in favour of the Petitioner.

2 It is undisputed that the judgment of the Industrial Court dated 12/12/2017, delivered in Complaint (ULP) NO.25/2017, has not been implemented. It is equally undisputed that the said judgment has not been stayed or set aside by this Court. In fact, by the order of this Court dated 16/2/2021, passed in WP No.1697/2018, the petitioner was granted six weeks' time to file an application for restoration of Complaint (ULP) No.25/2017 which was decided in the absence of the petitioner since the petitioner did not appear in the said

proceedings despite service of notice. Instead of filing the restoration application within six weeks from 16/2/2021 i.e. by the end of March 2021, such an application has been filed in December 2021.

3 In the mean while, the worker moved the Labour Court u/s.48(1) of the MRTU & PULP Act, 1971 since there was a disobedience of the judgment of the Industrial Court, which can be said to be an order u/s.30(1).

3 The petitioner has moved an application for restoration of the complaint and the same is still pending. It is for the petitioner to approach the Industrial Court and seek appropriate orders. I do not find any ground made out in this petition, by which the disobedience of the judgment of the Industrial Court for four years and two months could be countenanced. The fate of the petitioner would be decided in the application filed pursuant to the order of this Court dated 16/2/2021.

5 In view of the above, this Petition is devoid of merit and is therefore, dismissed.

RAVINDRA V. GHUGE, J