

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL WRIT PETITION NO. 3320 OF 2022**

Pune Mahanagar Parivahan Mahamandal Ltd. ... Petitioner

V/s.

Subhash Suresh Rathod ... Respondent

Mr. Rohit P. Sakhadeo for Petitioner.

Mr. S.K. Hande a/w. Mr.A.A. Jadhavar for Respondent.

CORAM : A.S. GADKARI, J.

DATE : 23rd March 2022.

PC. :

1. By the present Petition, the Petitioner has impugned a purely interlocutory Order dated 1st December 2020 in Complaint (ULP) No. 151 of 2020 passed by the learned Member, Industrial Court, Pune.

By the impugned Order, the Industrial Court, Pune has directed the Petitioner not to deduct wages from the salary of the Respondent from July 2020 till final disposal of the complaint filed by him without following due procedure of law. The said direction has been issued after coming to the conclusion that, the Respondent has made out a *prima-facie* case of unfair labour practice as per item No.9 of Schedule-IV of The Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short, 'MRTU & PULP Act, 1971'). The Trial Court has also held that, the balance of convenience tilts in favour of the Respondent and there will be

no hardship caused to the Petitioner-Corporation.

2. In view of the above, I am not inclined to interfere with the impugned Order dated 1st December 2020 passed by the Industrial Court, Pune.

3. Petition is accordingly dismissed summarily.

4. It is needless to mention that, the observations made by the Industrial Court in the impugned Order are in the context of deciding the application filed by the Respondent (Exh.U-2) and the Industrial Court while deciding the complaint filed by the Respondent will assess the evidence on record without prejudice to the fact of dismissal of the present Petition.

[A.S. GADKARI, J.]

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