

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1058 OF 2022

1) Agricultural Produce Market Committee,
Amravati, through President,
Tahsil and District Amravati.

2) Agricultural Produce Market Committee,
Amravati, through the Secretary,
Tahsil and District Amravati.

.... **PETITIONERS**

VERSUS

Shri Pandit Jotiram More,
Aged about 45 years, Occupation – Service,
R/o Shendurjana Mahora, Tahsil – Tiwasa,
District Amravati.

.... **RESPONDENT**

Mr. M.V. Samarth, Senior Counsel assisted by Mr. V.P. Ingle, Counsel for
the petitioners,
Mr. N.R. Saboo, Counsel for the respondents.

CORAM : ROHIT B. DEO, J.

DATED : 25th FEBRUARY, 2022

ORAL JUDGMENT :

Heard. **Rule.** With consent, the petition is heard finally.

2. The challenges is to an interim order rendered by the learned Industrial Court, Amravati in Complaint (ULP) 144/2016 whereby the petitioner-APMC is, as a fact, permitted to go ahead with the

recruitment. All that the Industrial Court observes, is that the recruitment shall be effected by the petitioner-APMC at its own risk and the rights of the complainant shall not be prejudiced. It is further observed that at the stage of final adjudication, it shall not be open for the APMC to argue that no sanctioned vacant posts are available. In essence, what the Industrial Court meant was that no special equity would be claimed by the APMC by recruiting employees during the pendency of the complaint. The order impugned is rendered on 13-3-2020 and is challenged in the present petition in January 2022. Even *de hors* the aspect of the substantial delay, in the context of the fact that the order impugned is an interim order, I do not see any prejudice to APMC.

3. If any defence is open to APMC to oppose the claim to permanency, on the basis of factual or legal position, the interim order shall not come in its way. All that the Industrial Court has ensured, is that if the complainant is otherwise found entitled to regularisation, the absence of vacant posts, in view of the recruitment, shall not come in the way of the complainants-employees.

4. Subject to the clarification *supra*, I so no reason to interfere with the order impugned, in writ jurisdiction.

5. The petition is dismissed.

JUDGE

adgokar