

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

WRIT PETITION NO.2990 OF 2021

The Registrar, Dr. Punjabrao Deshmukh
Krishi Vidyapeeth, Akola,
Tq. & Dist. Akola.

..... **PETITIONER**

...V E R S U S...

Rajesh s/o Suresh Gawai,
Aged about 32 Yrs.,
Occ. Labourer on daily wages,
R/o Borgaon Manju,
Tq. & Dist. Akola.

..... **RESPONDENT**

Mr. Abhay Sambre, Advocate for Petitioner.
Mr. Pravin Nemade, Advocate for Respondent

CORAM: **ROHIT B. DEO, J.**
DATE: **29th MARCH, 2022.**

ORAL JUDGMENT:

The petitioner is assailing the order dated 05.03.2020 rendered by the Industrial Court, Akola in Complaint ULP 87/2019 which is preferred by the respondent employee claiming the benefits of permanency for the post of Krushi Sahayak (Agricultural Assistant), whereby the Industrial Court has granted interim relief in terms of the following operative part:

- i. The Application Exh. U-2, in the Complaint ULP No.87/2019, is hereby partly allowed.*

- ii. The Respondent is hereby directed to continue the services of the Applicant Employee and not to alter terms of the employment of the Applicant Employee to his disadvantage, during pendency of this Complaint before this Court.*
- iii. The appointment if any made by the Non Applicant, shall be at the risk of the Non Applicant and such appointment shall not affect the rights of the Complainant, for claiming regularization in service.*
- iv. No order as to costs.*

2. The limited submission of the learned counsel for the petitioner Mr. Abhay Sambre is that the consistent stand of the University was that the employee was not working as Agricultural Assistant and was discharging the duty of daily wage labour. Mr. Sambre points out that no finding is recorded by the Industrial Court that the employee was working as Agricultural Assistant. According to the learned counsel Mr. Sambre, it is possible that the interim relief may be misconstrued or misunderstood as obligating the University to permit the employee to work as Agricultural Assistant.

3. Mr. Nemade, the learned counsel for the respondent would submit in rebuttal that, all that is done by the Industrial Court is to direct that the employment shall not be disturbed and

the terms of employment shall not be altered to the disadvantage of the employee.

4. I do not see any reason for the University to nurture the apprehension that the interim order may be misunderstood. If the employee is as a fact working as a daily wage labour, that he would continue to work as daily wage labour till the complaint is decided, appears to be the purport of the interim order.

5. It is clarified that I have not considered the case of the employee that he is in law entitled to work or be appointed as Agricultural Assistant. This is for the Industrial Court to consider after the evidence is adduced.

6. I see no reason to interfere with the order impugned. The petition is dismissed.

JUDGE

NSN