

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

WRIT PETITION NO. 5961 OF 2022

The Chief Officer, Municipal Council, Mul -- Petitioner

Vs.

Ashok s/o Ramuji Kadukar and others -- Respondents

WITH

**WRIT PETITION NOS.5962/2022, 5967/2022, 5968/2022
& 5970/2022**

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. D.M. Kale, Advocate for Petitioner in all petitions
Mr. R.R. Dawda, Advocate for Respondent No.1
Ms. M.A. Barabde, AGP for Respondent / State in WP No.
5961/2022, 5962/2022 & 5970/2022
Mr. N.R. Patil, AGP for Respondent / State in WP No. 5967/2022,
5968/2022

CORAM : MANISH PITALE, J.

DATE : 26th SEPTEMBER, 2022

In all these petitions, the petitioner - Municipal Council Mul, District Chandrapur, has challenged similar orders passed by the Industrial Court at Chandrapur. By the said orders in the Complaints filed by the first respondents in all the petitions, interim order in the form of temporary injunction is granted against the petitioner – Municipal Council, staying the effect of orders passed by the petitioner – Municipal

Council, seeking to recover certain amounts from the first respondents in all these petitions.

2. The first respondents had moved applications for grant of such interim relief in the pending Complaints, contending that they had made out a strong *prima facie* case in their favour for stay of such recovery sought to be made by the petitioner – Municipal Council, since all of them had retired and judgment of the Hon'ble Supreme Court in the case of **State of Punjab and others Vs. Rafik Masih** reported in **AIR 2015 SC 296**, clearly covered the position of law in their favour.

3. A perusal of the impugned orders passed by the Industrial Court shows that although the petitioner – Municipal Council opposed grant of such interim relief, *inter-alia*, contending that grant of such relief could amount to granting final relief at interim stage, by relying upon the aforesaid judgment of the Hon'ble Supreme Court interim relief was indeed granted in all petitions, upon finding that strong *prima facie* case was made out by the said respondents and that the position of law appeared to be in their favour.

4. This Court has heard the learned counsel for the petitioners as well as the learned counsel for the first respondents on caveat in all the petitions and the learned Assistant Government Pleaders for respondent Nos. 2 and 3 in the petitions.

5. Upon hearing the learned counsel for the parties, this Court is convinced that no error is attributable to the Industrial Court in passing the impugned orders as the first respondents in these petitions have indeed made out a strong prima facie case for stay of such recovery. In the face of such an admitted position on facts that the first respondents have all retired and that prima facie the position of law appears to be covered in their favour as per the judgment of the Hon'ble in the case of **State of Punjab and others Vs. Rafik Masih** (supra), it is found that these petitions are without any merit.

6. In view of the above, the writ petitions are dismissed.

7. The Industrial Court is directed to make an effort to expeditiously dispose of the Complaints.

8. Needless to say, the Complaints shall be decided on their own merits, without being influenced by the impugned orders as well as the observations made by this Court in the present order.

JUDGE