

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

WRIT PETITION NO. 6066 OF 2022

The Chief Officer, Municipal Council

vs.

Rajesh s/o Anandrao Puddatwar and others

WITH

WRIT PETITION NO. 6072 OF 2022

WRIT PETITION NO. 6067 OF 2022

WRIT PETITION NO. 6068 OF 2022

WRIT PETITION NO. 6069 OF 2022

WRIT PETITION NO. 6070 OF 2022

WRIT PETITION NO. 6071 OF 2022

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. D. M. Kale, Advocate for petitioner.

Mr. S. M. Bhagde, Advocate for respondent No.1.

Mr. N. R. Rode, Mr. N. R. Patil and Ms.Barabde, AGP for
respondent State in concerned petitions.

CORAM : MANISH PITALE J.

DATE : 28/09/2022

By these petitions, the petitioner Municipal Council has challenged similar orders passed by the Industrial Court, Chandrapur, whereby an application for grant of temporary injunction filed by the respondent employees have been allowed and effect of which is that recovery proceedings sought to be initiated by the Municipal Council have been stayed.

2. In all these petitions except Writ Petition No.6072 of 2022, the respondent employees are working as on today, while the respondent employee in Writ Petition No. 6072 of 2022 has retired.

3. Even in the context of respondent employees in all these petitions except in Writ Petition No.6072 of 2022, it is an admitted position that recovery is sought by the Municipal Council after a long period of time of more than two decades of granting particular pay scale to the respondent employees. It is also brought to the notice of this Court by the learned counsel appearing for the respondent employees on caveat that some of them are on the verge of retirement.

4. In these circumstances, when the respondent employees moved the Industrial Court for grant of interim injunction to restrain the Municipal Council from recovering amounts allegedly wrongly paid to them, the Industrial Court relied upon judgments of the Supreme Court in the case of ***State of Punjab vs. Rafiq Masih (White Washer)*, AIR 2015 SC 696**, and stayed the action of recovery initiated by the Municipal Council.

5. Although the learned counsel for the Municipal Council tried to convince this Court that the impugned orders deserve interference, considering the facts and circumstances of the case, this Court is convinced that a strong *prima facie* case is made out by the respondent employees before the Industrial Court and that therefore, the applications filed on their behalf for grant of temporary injunction during pendency of their complaints, were rightly allowed by the Industrial Court.

6. In view of the above, it is found that there is no merit in the present Writ Petitions. Accordingly, the writ petitions are dismissed. No costs.

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