

(1)

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

911 WRIT PETITION NO.14564 OF 2023

**SHAIKH IMRAN KHUDBODDIN
VERSUS
ALL INDIA COUNCIL FOR TECHNICAL EDUCATION AND
OTHERS**

....
Mr M. V. Ghatge, Advocate h/f Mr R. P. Adgaonkar, Advocate for
Petitioner;

Mr P. K. Lakhotiya, A.G.P. for Respondent/State

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 1st December, 2023

PER COURT:

1. The Petitioner has put forth prayer clauses (B), (C),
(D) and (E), which read as under :-

“B) The Respondent may be directed by issuing appropriate writ to reinstated the petitioner on its original position as per the order of Ld. Industrial Court Aurangabad.

C) Petitioner may be given back wages till the reinstatement to its original service and regular salary may be granted as per 6th & 7 pay commission.

D) To kindly direct respondent Nos.8 by issuing Writ of Mandamus or any other appropriate writ or direction in the like nature to consider and decide the grievance of the petitioner as per representations dated 22.12.2022, 28.12.2022, 03.01.2023 and 18.01.2023

(2)

(EXHIBIT-F) as expeditiously as possible preferably within period as per order of this Hon'ble Court.

E) To kindly direct the respondents not to take any coercive action against the petitioner pending the hearing and final disposal of this Writ Petition.”

2. The Petitioner has already approached the Industrial Court at Aurangabad in Complaint (U.L.P.) No.180/2021. By an interim order dated 01/12/2022, passed below Application Exhibit U-2, prayer clauses 5 (c) and (d) in the Application have been granted with a clear direction that the Respondents shall allow the Complainant to resume work and his service conditions would not be changed without following the due process of law.

3. The Petitioner approached the employer for the implementation of the interim direction of the Industrial Court. According to the Petitioner, the employer has reinstated the Petitioner. However, monetary benefits are not paid.

4. The Complaint (U.L.P.) is pending, and there is no restriction on the filing of an Application under Section 30(2) of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (the 'said Act'), for seeking additional reliefs, subject to the law applicable. An application for

(3)

seeking execution of interim orders of the Court under the provisions of the said Act, can also be filed.

5. **This Writ Petition is disposed off.** All contentions of all the Parties are kept open in the pending proceedings before the Industrial Court.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk