

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.19073 OF 2022
IN
WRIT PETITION NO. 3597 OF 2014**

Digambar Popat Sutar

...Petitioner

Versus

The Chief Officer,

Kurduwadi Municipal Council

...Respondent

...

Mr. M. V. Chougule for the applicant in IA & for Respondent in
Writ Petition.

Mr. Sandesh V. Kate i/b. Mr. Avinash H. Fatangare for Respondent in IA.

CORAM: SANDEEP V. MARNE, J.

DATE : 17 AUGUST 2023.

P. C.:

By this application Petitioner has sought following reliefs

a) This hon'ble court be pleased to consider the question of litigious employment in place of tender obtained contractor during pendency of this writ petition.

(b) This hon'ble may be pleased to Stay the tender system work for the year 2022-2023 which is annexed at Exhibit- and declare that is against the claim of applicant as per below court's decision.

(c) This Hon'ble court be pleased to direct the petitioner to reinstate the applicant/orgl respondent as per labour court operative part of the judgment dated 02-6-2011 passed in U.L.P complaint no- 51 of 2005. with continuity of service without back wages subject to outcome of the petition.

(d) This hon'ble court be pleased to Declare the act of noncompliance of the below court order is further unfair labour practice in absence of litigious employment/relief to applicant at this stage.

(e) Suitable direction may be given to the petitioner erring employer /establishment to cease & desist from continuing to engage junior workers through contractor for class VI work under the banner of tender system work.

(f) Allow the applicant by this interim order to execute the lower court judgment dated 02-062011 passed in U.L..P. no- 51/2005. In contempt of court proceeding pending before the lower court on this issue.

(g)) This civil application may be allowed with suitable relief to applicant poor labour subject to outcome of the above writ petition in terms of prayer clause -c.

(h) Any other just and the equitable and suitable order be passed in favor of the applicant above named.

2. In the main Writ Petition Municipal Council has challenged judgment and order dated 02 June 2011 passed by Labour Court directing reinstatement of the applicant as well as judgment and order dated 05 February 2014 by which Municipal Council's Revision Petition has been dismissed.

3. This Court, by it's order dated 02 September 2014 has admitted petition and has stayed the operation of the judgment and order dated 02 June 2011 passed by the Labour Court, Solapur. The order dated 02 September 2014 was passed after hearing the learned counsel appearing for the applicant.

4. It appears that by a separate order dated 26 September 2018, hearing of the present petition is expedited.

5. In that view of the matter I do not find any reason to grant any relief of reinstatement to the applicant during pendency of the present petition. The interim application is accordingly rejected. However petition be listed for final hearing on 12 September 2023.

SANDEEP V. MARNE, J.

KISHOR
VISHNU
KAMBLE

Digitally
signed by
KISHOR
VISHNU
KAMBLE
Date:
2023.08.18
18:11:29
+0530