

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14800 OF 2022

M/s. TVS Supply Chain Solutions Ltd. ...Petitioner
Versus
Sanjay Bandu Satkar & Others ...Respondents

...
Mr. Kiran Bapat a/w Mr. Varun Joshi, Mr. Chetan Alai, for Petitioner.
Mr. Nitin Kulkarni, for Respondents.
...

CORAM : SANDEEP V. MARNE, J.
DATE : SEPTEMBER 12, 2023.

P.C.:

1. By this Petition, Petitioner challenges order dated 4 August 2022 passed by Industrial Court, Pune granting interim relief in favour of Respondents by restraining the Petitioner from terminating their services without following due process of law during pendency of the complaint.

2. It appears that the Respondents have been appointed by Petitioner vide order dated 1 December 2021 on a fixed tenure for a period of three years, which is co-terminus with continuation of project awarded to Petitioner by M/s. Mahindra and Mahindra Spares Business. The appointment order provides that in the event of early termination of the contract by M/s. Mahindra and Mahindra Spares Business, the tenure of employment of the

Respondents would be shortened. Respondents have filed complaint (ULP) No.49 of 2022 for confirmation in service by declaring them to be permanent employees of Petitioner. Respondents have also sought prayers for payment of higher wages. By impugned order dated 4 August, 2022 the Industrial Court has granted interim relief in favour of Respondents by restraining the Petitioner from terminating their services without following due process of law.

3. Mr. Bapat, the learned Senior Advocate appearing for Petitioner would submit that though the contract awarded to the Petitioner by M/s. Mahindra and Mahindra Spares Business is at the moment under progress, there could be a situation where the period of the contract is curtailed and in such a situation the interim order passed by the Industrial Court may come in the way of Petitioner in terminating the services of Respondents. He would further express an apprehension that the services of Respondents cannot be terminated even if they indulge into any misconduct on account of interim order passed by the Industrial Court.

4. I have also heard Mr. Kulkarni, the learned counsel appearing for Respondents, who would oppose the Petition and support the order passed by the Industrial Court.

5. Perusal of the interim order dated 4 August, 2022 passed by the Industrial Court would show that the Petitioner has been restrained from terminating the services of the Respondents without following due process of law. Therefore, if any eventuality arises such as curtailment of contract by M/s. Mahindra and Mahindra Spares Business or indulgence of any misconduct by any of Respondents or for any other reason, where termination of any of the Respondents become eminent, Petitioner will have to follow the due process of law before taking the action for termination of services. There is already sufficient safeguard provided in the order dated 4 August 2022 which cannot be constructed to mean as if Petitioner can never terminate the services of Respondents. It is therefore clarified that the Petitioner shall be entitled to terminate the services of any of the Respondents for a valid reason as is permissible under the provisions of law.

6. In the light of this position, nothing further needs to be adjudicated in this Petition.

7. With the above observations, Writ Petition is disposed of.

(SANDEEP V. MARNE, J.)