

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.14297 OF 2023**

Ganesh Sambhaji Kamble

... Petitioner

Vs.

Minority Development Department
& Ors.

... Respondents

Mr. Zishan Quazi for the Petitioner.

Mr. B. V. Samant, Addl. GP a/w Mr. P. P. Pujari, AGP for Respondent Nos.1 and
3-State.

CORAM : A.S. DOCTOR, J.

**DATE : 13TH NOVEMBER 2023
[VACATION COURT]**

P.C. :

1. The present Writ Petition impugns an order dated 7th October 2023 passed by the Industrial Court No.02, Kolhapur in Complaint (U.L.P.) No.178 of 2017. The Petitioner was the Complainant in the said Complaint, which came to be dismissed by the impugned order *inter alia* holding as follows:-

- "1) Complaint (U.L.P.) No.178/2017 is dismissed.*
- 2) However, respondent No.02 is hereby directed not to terminate the services of the complainant without following due procedure of law.*
- 3) No order as to costs."*

2. Learned Counsel appearing on behalf of the Petitioner points out that by a separate order dated 7th October 2023, the stay of the operation of the impugned order was granted for a period of one month from the date of the impugned order. Learned Counsel, today, submits that he apprehends that the Petitioner shall be terminated without following due procedure of law as set out in the impugned order, since the Petitioner has been informed by Respondent No.2 not to report to work from today, i.e., 13th November 2023.

3. Today however admittedly no termination letter/notice has been received by the Petitioner. Additionally, I must note that this Petition has been filed only on 10th November 2023 which is after expiry of the period of stay granted by the Industrial Court. The Petitioner has not taken any steps to challenge the impugned order during the period of the stay. To this, learned Counsel appearing on behalf of the Petitioner submits that the delay was on account of the fact that the Petitioner not being very conversant with English was unable to understand the effect of the said order and the time period granted. Learned Counsel submitted that the Industrial Court has thereafter extended the stay upto 25th November 2023. Hence, today the Petitioner is before the Court purely on an apprehension that Respondent No.2 will terminate the Petitioner's employment without following the due procedure of law as directed by the Industrial Court No.02, Kolhapur in the impugned order.

4. There is nothing to suggest that Respondent No.2 will not comply with the direction not to terminate the services of the Complainant without following the due procedure of law as set out in the impugned order, also Writ Petition cannot be maintained on the basis of such an apprehension. Hence, the present Writ Petition deserves to be dismissed on this ground alone.

5. Also, today as per the submissions made by learned Counsel for the Petitioner, the stay of the impugned order has been extended upto 25th November 2023. Hence nothing really survives in the Petition and the same is clearly premature. Needless to state that should Respondent No.2 terminate the services of the Petitioner without following due procedure of law, in that event the Petitioner will be at liberty to challenge such action if and when required. With these observations and keeping open all the rights and contentions of the Petitioner, including to the challenge of the order dated 7th October 2023, to be agitated in the Writ Petition, the present Writ Petition is dismissed.

(A.S. DOCTOR, J.)