



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

Writ Petition (WP) No. 1664 of 2022

Shashikant Ramdasrao Tabhane

Versus

**Zilla Ekatmik Aarogya Va. Katumba Kalyan Society, Z.P.Amravati and
others**

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Archana Lanjewar, Advocate for the petitioner.
Shri M.G.Rathi, Advocate for the respondent nos. 1 and 2.
Shri Ujwal Phasate, AGP for the respondent no.3.

**CORAM : ANIL S. KILOR, J.
DATED : 16th OCTOBER, 2023.**

Heard.

2. The petitioner was working with the respondent Zilla Parishad as 'Zilla Samuha Sanghatak' and he was terminated on 10th May, 2021 which is the subject matter of challenge before the learned Labour Court, Amravati in complaint ULP No. 11 of 2021 in the said complaint.

3. The petitioner moved an application under Section 30(2) of Maharashtra Recognition of Trade

Union and Prevention of Unfair Labour Practices Act, 1971 (in short hereinafter referred as MRTU and PULP Act, 1971), for stay to the termination order dated 10th May, 2021 which came to be rejected by the learned Labour Court, Amravati vide order dated 2nd July, 2021, by recording the observations which reads thus:

“10. The decision relied by the complainant shows that they are not in respect of granting the relief at interim stage. It is seen that the above decisions are in respect of reinstatement after final decision. The status of the complainant can be decided after considering the detail evidence. In view of appointment order of complainant it is seen that his period would expire on 21.07.21. The complainant was not terminated due to lapse of period of contractual employment. If complainant succeeds in establishing his case finally at the most he can be compensated with full back wages in final decision of the complaint. Already termination order is passed on 10-05-2021 against the complainant. The prayer to continue the complainant is service is vague and cannot be granted beyond the period of contractual employment. The complainant has not shown *prima facie* case. The application is therefore liable to be rejected with costs. Hence point nos. 1 to 3 are answered in the negative and in answer to point no.4 following order is passed.”

4. Thereafter, in revision, the petitioner approached to the learned Industrial Court, Amravati who has upheld the order of the Labour Court, Amravati vide the judgment and order dated 1st

February, 2022 passed in Revision ULP No. 18 of 2021. Hence, this petition.

5. Relevant findings recorded by the learned Industrial Court, Amravati are as follows:

“... In this case the relationship between the petitioner and respondent is to be decided by the learned Labour Court in the complaint itself. The important point also involved in this case as to whether alleged termination is retrenchment or not. Under such circumstances I am of the view that, if relief is granted at this stage it would amount to grant of final relief without going through all these aspects and without scrutinising the evidence. I think there is no illegality of learned Labour Court in rejecting the application. I find no merit in this revision and, therefore, I hold that, the revision is deserves to be dismissed....”

6. It is an admitted fact that the petitioner is out of employment for about two and half years and by the time the pleadings are completed in this writ petition, the complaint reached before the learned Labour Court, Amravati to the stage of recording of evidence.

8. In that view of the matter, at this stage I do not want to interfere with the impugned judgment and order dated 1st February, 2022, passed by the learned Industrial Court. Accordingly, the writ petition is dismissed.

9. Further the learned Labour Court, Amravati is directed to decide the complaint (ULP) No. 11 of 2021 expeditiously, in any case, within nine months from today.

[ANIL S. KILOR, J.]