

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

WRIT PETITION NO.5861 OF 2022

(MUNICIPAL COUNCIL, TUMSAR..VS.. MANJUSHA BHAURAO RAUT & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Tejas S. Deshpande, Advocate for Petitioner.
Shri P.D.Meghe, Advocate for Respondent No.1.
Shri D.P.Thakre, Addl. G.P. for Respondent Nos. 2 and 3.

CORAM : ANIL S. KILOR, J.

DATED : JULY 25, 2023.

1. Heard.

2. The Industrial Court issued directions vide order dated 17/02/2020 to pay remuneration to the respondent No.1 (complainant) and as the said order was passed behind the back of the petitioner, review application was filed, which came to be rejected vide impugned order dated 25/02/2022. The same is the subject matter of the present writ petition.

3. The respondent No.1 is working as Community Organizer and there were certain complaints against her and the Chief Officer made a request to the Collector to terminate her services by issuing communication dated 15/06/2019. Feeling aggrieved by the same the respondent No.1 approached the Industrial Court by filing a Complaint under Section 28 along with an application for interim relief under Section 30 of the

Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (hereinafter referred to as “MRTU & PULP Act”). The learned Industrial Court on 24/06/2019 granted interim relief and thereby directed the parties to maintain *status quo*. Admittedly, the petitioner and the Collector both were party to the proceedings before the Industrial Court, despite the said fact after passing of the order of *status quo* the respondent No.1 was transferred from Tumsar to Paoni by the Collector and the petitioner knowing well that the order of *status quo* is in operation, implemented the order of Collector ignoring the order of the Industrial Court and thereby relieved the respondent No.1 and permitted the other person to join in her place. Therefore, the application for direction to pay the remuneration allowances was filed by the respondent No.1 pending complaint before the Industrial Court which was allowed on 17/02/2020 and the review sought was rejected vide impugned order.

4. Considering the above referred facts, there is no dispute that the order relieving the respondent No.1 and allowing the third person to join in her place are in contravention of the order passed by the Industrial Court directing the parties to maintain the *status quo*.

5. In the circumstances, the petitioner who does not have any regard about the judicial order, at the behest

of such litigant I am not inclined to entertain the present petition by exercising the discretion under Article 226 and 227 of the Constitution of India. Accordingly, I pass the following order:

The Writ Petition is **dismissed**. No order as to costs.

Pending application(s), if any, shall stand disposed of.

JUDGE

RRaut.