

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

WRIT PETITION NO.5921 OF 2022

The Chief Officer, Municipal Council, Wardha .Vs. Smt. Kamala Durgadas Umre

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

Court's or Judge's Order

Shri Abhay Sambre, Advocate for the petitioner.

Shri Bhushan Mohta, Advocate for the respondent.

CORAM : ANIL S. KILOR, J.

DATED : 06/03/2023

1. Heard.

2. In this writ petition, the order dated 02.08.2022 passed by the Member, Industrial Court No.3, Nagpur in Misc. Application (ULP) No.05 of 2020, condoning the delay caused in filing the application under Section 50 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (hereinafter referred to as “the MRTU and PULP Act”) for recovery of amount, is under challenge.

3. After going through the record, it appears that there is no dispute or denial of the fact that on 02.01.2010, the Industrial Court, Nagpur allowed the complaint preferred by the respondent seeking regularization from the date on which the juniors were granted regularization and

the services of the respondent were regularized accordingly w.e.f. 23.01.1996.

4. The learned Industrial Court has also, at the same time, granted consequential benefits to the respondent.

5. The respondent therefore, was expecting consequential benefits including the difference in back-wages, in compliance with the order of the learned Industrial Court. He also made request in that regard by making representations.

6. However, on finding that there is no compliance of that part of the order dated 02.01.2010, the application under Section 50 of the MRTU and PULP Act with the application for condonation of delay came to be filed and the same was allowed. The same is under challenge in this petition.

7. In the above referred backdrop, I do not want to interfere in this matter by exercising discretion for the simple reason that the petitioner has shown disrespect to the judgment and order of the Industrial Court dated 02.01.2010 by not complying the said judgment and order in its entity and thereby not paying the consequential benefits of regularization to the respondent.

8. Moreover, the effect of allowing the present petition on any ground will amount to allowing the petitioner to perpetuate the illegality by continuing not to comply with the judgment and order dated 02.01.2010.

9. Therefore, as the petitioner has no regards for the orders of the Courts, I am not inclined to entertain the writ petition. Accordingly, the writ petition is **dismissed**.

10. It is needless to mention that the respondent has filed affidavit to the effect that the respondent will not claim interest over the difference of amount of back-wages. The said affidavit shall be taken into consideration by the learned Industrial Court while deciding the proceeding under Section 50 of the MRTU and PULP Act.

JUDGE