

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.113 OF 2024

Maharashtra Navnirman Kamgar
Sena through its authorised
representative-
Tushar Pundalik Jagtap
V/s.

....Petitioner

The Commissioner, Nashik
Municipal Corporation, Nashik and
Anr.

....Respondents

Mr. Aumkar V. Joshi *for the Petitioner.*

Mr. Yogendra M. Koli *i/b. M/s. C.K. Legal for Respondent No.2.*

CORAM : SANDEEP V. MARNE, J.

DATED : 6 August 2024.

P.C.:

1) The challenge in the present Petition is to the order dated 19 October 2023 passed by the learned Member, Industrial Court, Nashik, rejecting application at Exhibit U-2 for interim relief.

2) Perusal of the impugned order indicates that the Industrial Court has refused to believe submission on behalf of Petitioner-Union that relief is sought in the complaint only against Respondent No.2 and that no relief is sought against Respondent No.1-Municipal Corporation. Considering the fact that period of more than 10 months has passed from the date of rejection of application for interim relief as also alleged prevention of members of Petitioner-Union to perform duties for the last

two years since 16 October 2022, in my view it would be appropriate if the main Complaint (ULP) No.99 of 2022 is taken up by the Industrial Court for final decision rather than this Court determining correctness of order dated 19 October 2023 at this distant of point of time. The Industrial Court is accordingly requested to expedite the hearing of Complaint (ULP) No.99 of 2022.

- 3) Writ Petition is accordingly disposed of.
- 4) While deciding the Complaint (ULP) No.99 of 2022 finally, the Industrial Court shall not be influenced by any of the observations made in the order dated 19 October 2023 particularly with regard to the issue relating to jurisdiction to entertain the Complaint.
- 5) All points raised on merits in the Petition are kept open.

[SANDEEP V. MARNE, J.]