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955 WP-14620-2023

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

955 WRIT PETITION NO. 14620 OF 2023

Mahadev Tatebhau Chavan

VERSUS

M/s Alfa Distilleries Pvt. Ltd Through Its Factory Manager And Another

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Mr. Nitin S. Suwarnkar, Advocate for the Petitioner.

Mr. B. R. Kawre for Respondent No.1 and 2.

CORAM : KISHORE C. SANT, J.

DATE : 9th JANUARY 2025

PC :-

1. Heard for some time.
2. The petition is directed against the order of rejection of the interim application of the present petition by the Industrial Court. By order dated 25th September 2023 in Complaint (ULP) No.16 of 2023, the Industrial Court, Aurangabad, refused to grant interim relief. The interim relief is for direction to pay the differential amount of the wages. In a complaint filed under Section 30(2) of the MRTU and PULP Act, 1971 and for 21,000 per month in compensation. There are other prayers also, not to change in the prevailing service conditions of the

complainant adversely and not to sell the lands of the respondent to third party. The learned trial Court after considering the arguments of both the sides, *prima facie* found that, there are disputed and complex questions of fact and law are involved. Preliminary objection is also raised about the relationship between the parties as employer and employee. It is observed that the complainant has not discharged even initial burden. The complainant also failed to show *prima facie* case and other essential requirements.

3. It is the case of the petitioner that he was appointed by an order dated 5th August 1993 since then he is not paid the wages as per law. For this and other reliefs, he filed ULP complaint for violation of Item No.9 and 10 of Schedule-IV of the MRTU and PULP Act, 1971. The cause of action is stated to be recurring since 1992. From the prayers it appears that, if the interim relief is granted that would amount to final relief. That is also one of the aspects that needs to be seen while dealing with this petition. As it is, this Court finds that the learned Industrial Court has considered the application in sufficient detail. This Court finds that no case is made out calling for interference and directions of this Court.

for this reasons, this Court is not inclined to entertain the writ petition.

Writ petition stands dismissed. No order as to costs.

4. The learned Industrial Court is requested to decide the main complaint as earlier as possible.
5. Parties to co-operate him for earlier disposal of the complaint.
6. Pending Civil Applications, if any, also stand disposed off.

[KISHORE C. SANT, J.]