



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 2771 OF 2024

1. Maharashtra State Seeds Corporation Ltd.(Mahabeej),
Through its Managing Director, Mahabeej Bhavan,
National Highway No.6, Krushi Nagar, Akola,
Tq. And District Akola – 444 104.
2. District Manager, Maharashtra State Seeds Corporation
Ltd. (Mahabeej), Jatkar Building, Suwarna Nagar,
Buldana, Tq. And District Buldana.

PETITIONERS

VERSUS

Arun Ashok Kolhe, Aged about 45 years, Occ: Private
Service, R/o Dhodap, Tq. Chikhali, Dist. Buldana.

RESPONDENT

Shri J.B. Kasat, counsel for the petitioners.
Shri P.N. Verma, counsel for the respondent.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : DECEMBER 15, 2025

ORAL JUDGMENT

RULE. Rule is made returnable forthwith and heard finally with consent of the learned counsel for the parties.

2. This petition filed by Maharashtra State Seeds Corporation Limited takes exception to Clause 2 of the operative portion of the interim order dated 27.03.2024 passed by the Industrial Court issuing directions of reinstatement of the respondent-Employee.

3. The controversy arises out of a complaint filed by the respondent challenging the termination of his services by order dated 23.03.2019. The respondent has challenged the termination vide Complaint U.L.P. no.12 of 2019 which was decided by the judgment and order dated 11.01.2024 by which the complaint was allowed, termination order was set aside and the employer was directed to reinstate the employee with continuity of service

and full back wages. The Management challenged this judgment vide revision application under Section 44 of the Maharashtra Recognition of Trade Unions and Prevention of Unfair Labour Practices Act, 1971 (for short, 'the Act of 1971') before the Industrial Court in which application for interim relief was filed. By order dated 27.03.2024, the Industrial Court partly allowed the application for interim relief and directed the petitioners to reinstate the respondent-Employee during pendency of revision application. By the same order, the effect, operation and implementation of the order passed by the Labour Court with respect to backwages and other monetary benefits was stayed. By way of instant petition, the petitioners-Employer have challenged the limited part of the interim order to the extent of direction to reinstate the respondent.

4. The primary contention of the learned counsel for the petitioners is, the respondent was terminated during probation period on account of his involvement in the misappropriation of money and by his entire conduct the petitioners have lost faith in him. He submitted that in view of the illegalities committed by the respondent, his services were not found satisfactory during probation and he was terminated. He also submitted that since the respondent has not completed the probation period successfully, the termination is governed by Rule 23(1) of the Maharashtra State Seeds Corporation Ltd. Employees Service Rules, 1995. He also submitted that Rules 41 and 43 of the said Rules are with respect to the permanent employees and the same are not attracted in the instant case.

5. As against this, the learned counsel for the respondent-Employee vehemently submitted that the termination order of the respondent is issued by the petitioners on account of alleged misconduct and without conducting any departmental enquiry against him. He invited attention to the termination order dated 23.03.2019 and pointed out that the order clearly mentions that during the period of probation the respondent has committed acts of misappropriation which were proved and thus submitted that the impugned termination order is stigmatic in nature. He submitted that the Labour Court has rightly quashed and set aside the said termination order. He thus submitted that in view of the findings of the Labour Court about illegality of the termination order, the direction of reinstatement requires no interference. He also submitted that the instant petition raises challenge to the interim order passed in the revision application and the contentions with respect to the legality of the judgment and order passed by the Labour Court are pending before the Industrial Court and hence, the petition need not be entertained.

6. While considering the controversy, it has to be seen that the petitioners have challenged only limited part of the impugned order to the extent of direction to the petitioners to reinstate the respondent-Employee. It is clear that the Labour Court has found the termination of the respondent unsustainable in law and the termination order is quashed and set aside. Resultantly, the Labour Court has directed reinstatement of the respondent with full back wages. It is clear that the respondent was terminated on 23.03.2019 and despite an order being passed by the Labour Court in his

favour, he is out of employment. Although the counsel for the petitioners has submitted that the respondent was terminated during probation period, however a perusal of the impugned order shows that the termination is not only on account of failure of the respondent to complete the probation period satisfactorily. The termination order records certain allegations against the respondent and the legality of the termination so also the judgment of the Labour Court is under consideration in the revision pending before the Industrial Court. Under these circumstances, with an intention to balance the interest of the parties, the Industrial Court has granted stay to the backwages while refusing stay to the order of reinstatement. Although the counsel for the petitioners has submitted that the respondent cannot be considered to be a 'workman' and further that he himself has confessed the acts of misconduct, the contentions in this regard are not required to be dealt with in this petition, as the same are the subject matter of controversy before the Industrial Court. As the termination order of the employee was found to be illegal, being stigmatic and without preceded by any enquiry, the interim order directing reinstatement does not appear to be palpably illegal requiring any interference at this stage.

7. Having regard to the abovementioned factual and legal aspects, no indulgence is warranted under Article 227 of the Constitution of India with the impugned order. It is clarified that the instant petition is decided only with respect to challenge to the interim order of direction to the petitioners for reinstating the respondent. The contentions of the parties

regarding legality or otherwise of the termination order and judgment of the Labour Court are not dealt with.

8. In view of this, the writ petition is dismissed with no order as to costs. Rule stands discharged.

(PRAFULLA S. KHUBALKAR, J.)

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